

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9924 of 2013

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Jai Shankar Prasad S/O Late Surya Naraian Yadav R/O Village- Thalha
Garha, Tola- Pattar Ghatti, P.O.+P.S.- Triveniganj, District- Supaul

.... Petitioner/s

Versus

1. The Indian Oil Corporation Ltd., through its Managing Director
Registered Office G-9, Aliyavar Jung Marg, Bandra (East), Mumbai -
400051
2. The Managing Director Indian Ol Corporation Ltd., through its
Managing Director, Registered Office G-9, Aliyavar Jung Marg, Bandra
(East), Mumbai - 400051
3. The Executive Director L.P.G. Indian Oil Bhawan, G-9, Aliyavar Jung
Marg, Bandra (East), Mumbai- 400051
4. The Director Marketing, Indian Oil Corporation Ltd., through its
Managing Director Registered Office G-9, Aliyavar Jung Marg, Bandra
(East), Mumbai- 400051
5. The General Manager Indian Oil Corporation, Bihar State Office, 5th
Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna, Bihar
6. The Deputy General Manager, Indian Oil Corporation, Bihar State
Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Road,
Chowk, Patna, Bihar
7. The Senior Area Manager Indane Area Office, Refinery Campus,
Barauni, District- Begusarai
8. M/S Bhawani Indane at Bus Stand, Triveniganj, Dist.- Supaul Bihar-
852139, through its Proprietor
9. The Proprietor M/S Bhawani Indane at Bus Stand Triveniganj, Dist.-
Supaul, Bihar-852139, through its Proprietor

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddartha Prasad, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha, Adv.
Mr. Ankit Katriar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 10-10-2017 Heard learned counsel for the petitioner and learned
counsel for the Indian Oil Corporation.

The petitioner seeks to cancel the dealership licence
of respondent no. 9 on the basis of the assumption drawn by him



that he is one of the partners of the dealership which was granted in favour of one Kumari Padma (respondent no. 9).

In support of such materials, he has filed certain documents, the veracity of which cannot be tested before this Court. For the purposes of considering, as to whether the petitioner has any locus to move this application and assail the action of the respondents in permitting the respondent no.9 to continue with her dealership, the locus of the petitioner has to be firmly established. Such locus can well be established only after leading evidence with regard to the agreement between the parties namely, the petitioner and the respondent no.9. It is also not a partnership deed *stricto sensu*. All these issues are necessarily disputed questions of fact which this court is not inclined to even venture to entertain.

It is submitted on behalf of the Indian Oil Corporation, that time and again the IOC has enquired into the matter and at times even penalized the respondent no. 9 and necessary steps have been taken, but so far as cancellation of dealership is concerned, it can well be done for cogent reasons which will be considered in accordance with the rules of the IOC and the policy guidelines under which they functioned i.e. Annexure -4 filed by the respondent- Corporation. In the said



document which is an enquiry report, it has been clearly established that there is no evidence of any partnership between the petitioner and the respondent no. 9. If the petitioner wishes to challenge the same, he can file a suit for establishing his case.

Accordingly, this Court is not inclined to interfere into the matter with regard to cancellation of the deed. The writ application is, thus, devoid of merit and is dismissed.

(Anjana Mishra, J)

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