

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4274 of 2014

Ajay Kumar @ Ajay Kumar Sharma, Son of Late Awadh Narayan Sharma,
Managing Partner Of Rama Gas Service, Razopatti, Dumara Road, Sitamarhi,
Bihar

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited through its Secretary, I.O.C. Building, New Delhi
2. The Executive Director, Indian Oil Corporation Limited (Marketing Division) Eastern Region, Patna
3. The General Manager, Indian Oil Corporation Limited (M.D.), Lok Nayak Bhawan, Patna
4. The Deputy General Manager, L.P.G. Indian Oil Corporation Limited (M.D.) Lok Nayak Bhawan, Patna
5. The Senior Area Manager, Indane Area Office, Sahi Bhawan, Exhibition Road, Patna
6. The Area Manager, Indane Area Office (L.P.G.) (M.D.), Muzaffarpur
7. Bina Sharma, wife of Late Vijay Kumar Sharma, Resident Of Mohalla - East Side Of Tirhut Automobile, Maripur, P.S. Sadar, District - Muzaffarpur
8. Brajesh Kumar @ Brajesh Sharma, Son Of Late Binay Kumar Sharma @ Binay Kumar, Resident Of Village - Rajjopatti, Dumara Road, District - Sitamarhi
9. Dr. Ravi Ranjan, Son Of Dilip Kumar Sharma, Resident Of Mohalla - Power House Chowk, Maripur, District - Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Abhimanyu Vatsa, Advocate Mr. Abhishek Singh, Advocate Mr. Sudhanshu Trivedi, Advocate Mr. Neeraj Kumar, Advocate Mr. Rajni Kant Singh, Advocate Ms. Seema Sarsis, Advocate
For the Respondent-IOC :		Mr. K.D. Chatterji, Sr. Advocate Mr. Amlesh Kumar Varma, Advocate Mr. Anil Kumar Sinha, Advocate Mr. Yash Mathur, Advocate Mr. Akash Keshav, Advocate
For Respondent No.9 :		Mr. Nachiketa Jha, Advocate Mr. Dhananjay Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 15-09-2017 Heard learned counsel for the petitioner and Mr. K.D. Chatterji, learned Senior Counsel appearing on behalf of the Indian Oil Corporation. Also heard learned counsel for private respondent no.7-Bina Sharma and the learned counsel for



private respondent nos.8 and 9, namely, Brajesh Kumar @
Brajesh Sharma and Dr. Ravi Ranjan.

It appears that the writ petitioner was given sufficient opportunity before termination of their dealership. The supplementary counter affidavit, which has been filed, clearly demonstrates that the rules do not permit revival in the present facts and circumstances.

Learned counsel for the Indian Oil Corporation, however, submits that there is an arbitration clause in the distributorship agreement, which can be availed of by the petitioner as well as respondents no.7, 8 and 9, who seem to be supporting the writ petition at the present moment.

As such, while noting that this Court would not like to interfere with the impugned order, which is sought to be assailed in the present writ application, liberty is afforded to the petitioner to approach the authority under the arbitration clause, which will be decided, in accordance with law.

With the aforementioned observations and directions, the writ application stands disposed of.

PNM

(Anjana Mishra, J)

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