

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2127 of 2015

IN

Civil Writ Jurisdiction Case No. 12884 of 2014

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M/s Vindhya Vashini Enterprises having its registered office at 336, Station Road, Buxar, P.S. and District - Buxar, through its Proprietor Chandra Kant Singh S/o - Sri Tarkeshwar Singh Resident of Village - Dullhapur, P.S. - Simri, District - Buxar.

.... Petitioner / Appellant

Versus

1. The Government of India through its Secretary, Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi - 110001.
2. The Chairman, Indian Oil Corporation Limited, having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051.
3. The Director Marketing, Indian Oil Corporation Limited, G - 9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051.
4. The General Manager, Indian Oil Corporation Limited, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow, Frazer Road, Patna - 800001.
5. The Chief Area Manager, Indian Oil Corporation Ltd. Indane Area Office, 1st Floor, Shahi Bhawan, Exhibition Road, Patna - 800001.
6. Shri Brajesh Kumar, Father's name not known to the petitioner at present working as field Officer (Assistant Manager), Indane Area Office, 1st Floor, Shahi Bhawan, Exhibition Road, Patna - 800001. Respondents / Respondents.
7. M/ S Sonamati Indane through its proprietr Sanjay Kumar Singh S/o - Dharmraj Singh R/o College Gate, Charitravan, Near Jitendra Medical Hall, Buxar.

.... Intervener / Respondent

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Appearance:

For the Appellant/s	: Mr. Y.V. Giri, Sr. Advocate, Mr. Manoj Priyadarshi and Mr. Ajay Kumar Singh, Advocates.
For the Respondent (IOC):	Mr. Kali Das Chatterji, Sr. Advocate, Mr. Anil Kumar Sinha and Mr. Amlesh Kumar Verma, Advocates.
For the Respondent no.7:	Mr. Bindhyachal Singh and Mr. Satya Prakash, Advocates.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-09-2017

Heard learned Senior Counsel for the appellant, learned

Senior Counsel for the Indian Oil Corporation and learned counsel for



the private respondent.

2. Perused the order dated 15.10.2015 which is under challenge under the Letters Patent Appeal. Since the additional attachment of consumers with the present appellant, who is a dealer of Indane Gas Agency, was by way of a working arrangement which may have lasted much more than expected even by the appellant, it does not create a right in his favour. The re-allocation of the business by the company in favour of a new dealer, therefore, does not violate any right of the appellant.

3. To that extent, dismissal of the Writ Application cannot be said to be erroneous. No absolute right in favour of the appellant was ever created by the Indian Oil Corporation in his favour.

4. The argument on behalf of the appellant that the Indian Oil Corporation is not settling the accounts for which he has been making repeated communications are something which this Court will not permit to come in the way of the appeal. He can still present his claim before the authorities of the Indian Oil Corporation, who will objectively and dispassionately verify the authenticity of such claim and then shall take a decision thereon.

5. The imposition of costs of Rs. 10,000/- to the appellant for pursuing the Writ Application may be unjustified because merely because the appellant failed to make out a case before the learned



Single judge does not mean that he did not have a right to raise his grievance before the Writ Court. The costs of Rs. 10,000/- is waived.

6. Appeal stands allowed to the limited extent as indicated above.

7. No interference is warranted with the order of re-allocation of the consumers done by the Indian Oil Corporation now since a permanent arrangement is in place.

8. Appeal stands disposed off accordingly.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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