

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8419 of 2013

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M/S Rai Path Pariwahan through its Proprietor Suresh Rai son of late Ram Naresh Rai resident of Mohalla - Mansa Pandey Bag, Police Station - Ara Town, District - Bhojpur at Ara

.... Petitioner/s

Versus

1. The G.M. Indian Oil Corporation Ltd. State Office, Patna
2. The General Manager, Marketing Division, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dakbungla Chawk, Patna
3. The Senior Plant Manager, Indian Oil Corporation Ltd., Giddha Ara
4. The Deputy Plant Manager, Indian Oil Corporation Ltd., Giddha Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Sanat Kumar Mishra, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 15-03-2017 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the Indian Oil Corporation.

The present issue relates to deduction of price of 240 Gas Cylinders which were allegedly looted by unknown persons from the truck owned and possessed by the petitioner and for which they had entered into a Transporters Carrier Agreement with the Indian Oil Corporation.

Learned counsel for the petitioner submits that the Indian Oil Corporation has illegally and arbitrarily deducted the amounts from his bills which is in clear violation of the clauses as stated in the tender papers and on the agreement arrived at



between the parties. As such, he prays for issuance of appropriate relief in this matter.

Learned Senior counsel appearing on behalf of the Indian Oil Corporation makes preliminary objection that as per the Clause – 67 of the document of agreement arrived at between the parties, the petitioner must submit himself to the process of arbitration. However, the petitioner has come to this Court without approaching the appropriate authority, namely, the Director, (Marketing) of the Corporation and it is only thereafter that the petitioner can seek any other appropriate relief.

Having heard learned counsel for the petitioner and learned Senior counsel appearing on behalf of the Corporation, the matter is disposed of with liberty to the petitioner to approach the Indian Oil Corporation as per terms of the agreement dated 06.10.2012.

(Anjana Mishra, J)

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