

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3364 of 2013

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M/s Shivalok Gas Service through its Proprietor Mrs. Rita Singh W/O Shri Ashok Ranjan, Indian Distributor, At + P.S. - Brahmpura, P.O. - M.I.T. Muzaffarpur, District - Muzaffarpur - 842003

.... Petitioner

Versus

1. Indian Oil Corporation through its C.M.D. Regd. Office 6-9 Ali Yavar Jung Marg, Bandra (East) Mumbai - 40005 (India)
2. The General Manager, Indian Oil Corporation, Bihar State Office, Lok Nayak Jai Prakash Bhawan, Dak Bunglow, Patna
3. The Area Manager, Marketing Division, India Oil Corporation, Exhibition Road, Shashi Bhawan, Patna
4. D.K. Basu, Acting Area Manager, Marketing Division, Indian Oil Corporation, Exhibition Road, Shashi Bhawan, Patna
5. The Assistant Manager (LPG) Sales, Muzaffarpur Indian Oil Corporation, Muzaffarpur

.... Respondents

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Appearance:

For the Petitioner : Mr.Akashdeep, Advocate
Mr. Shyameshwar Kr. Singh, Advocate

For the Respondents-IOC : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-12-2017

The present writ petition has been filed for quashing letter dated 30.01.2013 issued vide ref. PT/LPG/SHIVLOK/AAC issued under the signature of the Chief Area Manager, Indian Oil Corporation Limited, Patna by which a fine of Rs. 7,53,970/- has been imposed with a direction to deposit the same by 15.02.2013 with threat of recovery from petitioner's product PAD, for some alleged irregularities.

2. Learned counsel for the petitioner makes a short submission to assail the impugned order dated 30.01.2013 (Annexure-3) to the effect that the same has been passed without due application of mind and without a single reason being assigned for not accepting the show cause reply of the petitioner.

3. Learned counsel for the Respondent-Corporation opposes the



writ petition, submitting that in the facts and circumstances of the case, the nature of the allegations against the petitioner are self evident. As against the impugned allegation of diversion of domestic cylinders to non-domestic use with regard to a total of 351 cylinders, the petitioner has chosen to reply only with regard to 5 cylinders and has completely failed to answer the charge of diversion against 346 cylinders. It is further submitted that the petitioner has alternative remedy by way of appeal against the impugned order.

4. Having heard learned counsel for the parties and on consideration of the materials on record, this Court is of the view that the ends of justice will be met if the impugned order dated 30.01.2013 (Annexure-3) is set aside as the same does not disclose the reasons for rejecting the petitioner’s show cause reply and hence amounts to a non-speaking order, with a direction to the concerned authority to pass orders afresh in accordance with law and expeditiously and in any event within a period of six weeks from the date of receipt/production of a copy of this judgment. It is made clear that the amount of fine, if already collected from the petitioner, shall abide by the fresh orders passed on the basis of show cause reply filed by the petitioner.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.12.2017
Transmission Date	N.A.

