

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.965 of 2014
IN
Civil Writ Jurisdiction Case No. 6872 of 2012**

- =====
1. Indian Oil Corporation Ltd., Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna- 800001, through its General Manager.
 2. General Manager, Indian Oil Corporation Ltd., Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna- 800001
 3. Executive Director (Retail Sales), Indian Oil Corporation Ltd., (Mktg. Divn) 'Indian Oil Bhavan' G- 9, Ali Yavar Jung Marg, Bandra (E), Mumbai- 400051
 4. Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd. (MD), Begusarai Divisional Office, P.O. & P.S. Barauni Oil Refinery, District- Begusarai, Bihar
 5. Assistant Manager Retail Sales, Indian Oil Corporation Ltd. (MD), Begusarai Divisional Office, P.O. & P.S. Barauni Oil Refinery, District- Begusarai, Bihar

.... Appellant/s

Versus

Ashwaini Kumar, S/o Shri Radheshyam Sinha, r/o village- Mahmadda, P.S.- Pusa, District- Samastipur, Proprietor of M/s Maa Vidhyawasini Oil Centre, Indian Oil Petrol Pump, At Dighra, P.S.- Pusa, District- Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anil Kumar Sinha, Advocate Mr. Amlesh Kumar Verma, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Neeraj Kumar Gupta, Advocate Mr. Ashok Choudhary, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 04-04-2017

Heard counsel for the Indian Oil Corporation as well as
counsel representing the private-respondents.

The Learned Single Judge has given the benefit of
doubt to private-respondent, keeping in mind the fact that the seal
was very much intact, when the dispensing unit is also assessable



and has to be made available even to the company people as well as the people of Weights and Measures Department.

In view of the above, the writ application was allowed, but the matter was left open ended by giving a direction upon the Oil Company to have a fresh consideration in light of the observation. The ball is in the court of Indian Oil Corporation. Therefore, no interference is warranted in the appeal with the order of the Learned Single Judge.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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