

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 100 of 2007

- Agrawal General Trading Co., (Indian Oil Dealer), through Vijay Agrawal, aged about 45 years, son of Ramjeevan Agrawal, son Proprietor – Agrawal General Trading Company, Petrol Pump, Dharamjaigarh, Tahsil Dharam Jaigarh, Distt. Raigarh (CG)

---- Applicant

Versus

1. State Of Chhattisgarh through the Collector District Raigarh (CG)
2. Gajanand Agrawal S/o Shri Ramjeevan Agrawal, aged about 57 years, Bajarpara, Dharamjaigarh, Tahsil-, District-Raigarh, (CG)
3. Dhanesh Sukla S/o Chhote Lal, Bajarpara, Dharamjaigarh, Tahsil-, District-Raigarh, (CG)

---- Non-applicants

For Applicant	:	Shri AN Bhakta, Advocate.
For Non-applicant No.1	:	Shri Vivek Sharma, G.A.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

12/04/2017

The applicant was a dealer of Indian Oil Corporation outlet at Dharamjaigarh, Distt. Raigarh (CG). On 8.4.2002 the dealership agreement of the applicant was terminated on account of there being irregularity in the stock and for other reasons. Despite termination of dealership agreement, the applicant continued selling petrol and diesel and there was overstock of the same. On 1.10.2002 the petrol pump of the applicant was inspected and checked by the Dy. Collector along with Food Inspector and upon verification, diesel and petrol were found

in stock contrary to the provisions of Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 1998 (in short "Order, 1998") and other irregularity was also found in the petrol pump. After issuing show cause notice to the applicant and affording him due opportunity of hearing, on 29.12.2003 the Collector passed an order cancelling the licence of the applicant and directing for forfeiture of security amount of Rs.1000/-. The order passed by the Collector was assailed by the applicant before the Sessions Judge in Appeal No.35/04, however, by the impugned order dated 15.12.2006 the appeal has also been dismissed, affirming the order of the Collector. It is this order which has been challenged by the applicant in this revision.

02. Counsel for the applicant submits that licence of the applicant could not have been cancelled before expiry of its validity period, which was till 31.12.2004. He submits that the applicant has not been afforded due opportunity to defend his case as required under the law, the documents have not been properly looked into by the government authorities and in a hurried manner, the order has been passed by the Collector, which has erroneously been affirmed by the Court below.

03. Supporting the impugned order it has been argued by the State counsel that all the proceedings were drawn by the Collector as required under the law and once dealership agreement of the applicant itself was cancelled on 8.4.2002, the applicant had no authority to keep diesel and petrol in stock. Upon verification, the applicant was found involved in malpractices as defined in Section 2(f)(3) of the Order, 1998. He submits that concurrent findings have been recorded by the

Courts below which, in a revision where the scope of interference is very limited, cannot be interfered with.

04. From the order passed by the Collector, it is apparent that the applicant was not complying with the conditions of the licence granted to him, he was not maintaining the stock register and sale register, even after being directed by the Indian Oil Corporation Ltd. for closure of the petrol pump, the applicant was unauthorizedly selling petrol and diesel and despite affording sufficient opportunity, did not furnish any document which could show the source of purchase of diesel and petrol. Thus, considering the irregularities and non-compliance of the provision of the Order, 1998, the licence of the applicant was cancelled by the Collector and the security amount of Rs.1000/- was directed to be forfeited. The Sessions Judge while dismissing the appeal of the applicant and upholding the order of the Collector has observed that violation of the provisions of the Order, 1998 by the applicant has been proved beyond all reasonable doubt and the applicant has utterly failed to lead any evidence in rebuttal of the charges leveled against him despite being granted sufficient opportunity in this regard. The orders of the Courts below also reflect that all the provisions of law have been duly followed and once the dealership agreement of the applicant itself was cancelled, he was not authorized to keep the stock of diesel and petrol.

It is a well settled principle of law that concurrent findings of fact should not be disturbed unless it is shown that the findings recorded by the Courts below are perverse being based on no evidence or that on the evidence on record no reasonable person could have come to that

conclusion. After going through the orders of the Courts below, this Court finds no illegality or perversity in the concurrent findings recorded by the Courts below warranting interference by this Court.

05. In the result, the revision being without substance is liable to be dismissed and is, accordingly, dismissed.

Sd/

(Pritinker Diwaker)

Judge