

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8015 OF 2016**

Shree Ganesh Service Centre

...Petitioner

Versus

Indian Oil Corporation Limited &
Anr.

...Respondents

.....

Mr. Yuvraj P. Narvankar for the Petitioner.

Mr. Sunil Gagan with Mr. Jayesh Mestry i/b. M/s. RMG Law
Associates for the Respondents.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 30th JANUARY, 2017.

P.C.:-

By this Petition filed under Article 226 of the Constitution of India, the challenge is to the communication dated 13th May, 2016 issued by the first Respondent which has the effect of termination of dealership agreement dated 6th March, 2006 (Exhibit 'A' to the Petition). The learned counsel appearing for the Respondents relied upon the arbitration clause therein, which is clause 62(a) reads thus :

“ Any dispute or difference of any nature whatsoever, any claim, cross claim, counter-claim or set-off or regarding any right, liability, act, omission or account of any of the parties hereto arising out of or in relation to this agreement shall be referred to the sole

arbitration of the Director (Marketing) of the Corporation who may either himself act as the Arbitrator or nominate some other officer of the Corporation to act as the Arbitrator. The Dealer will not be entitled to raise any objection to any such Arbitrator on the ground that the Arbitrator is an officer of the Corporation.”

2. We have carefully perused the impugned communication. The effect of the impugned communication is the termination of the said dealership agreement. Therefore, the dispute will be covered by the clause 62(a).

3. In view of the availability of the said remedy of arbitration, we decline to entertain this Petition under Article 226 of the Constitution of India. On an application for reference being made by the Petitioner, necessary steps shall be immediately taken by the Respondents. The Petition stands disposed of. Accordingly, all contentions on merits are kept open.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)