

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18632 of 2004

M/s.Padmavathy Gas Agency,
rep. by its sole Proprietrix,
47B, Car Street,
Sriperumbudur.

... Petitioner

vs.

1. Union of India,
rep. by its Secretary,
Ministry of Petroleum and
Natural Gas Commission,
New Delhi.
2. The General Manager,
Hindustan Petroleum Corporation Ltd.,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The General Manager,
Indian Oil Corporation Ltd.,
Tamil Nadu State Office,
139, Nungambakkam High Road,
Chennai 600 034.
4. The General Manager,
Bharat Petroleum Corporation Ltd.,
1, Ranganathan Gardens,
Off: 11th Main Road,
Post Bag No.1212 and 1213,
Anna Nagar, Chennai 600 040.
5. The General Manager,
IBP Co. Limited,
10, Mayor V.R.Ramanathan Road,
Chetpet, Chennai 600 031.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, forbearing the respondents 2 to 5, or their men, or agents and persons in any manner from commissioning and appointing LPG Distributorship

at Sriperumbudur, Kancheepuram District, in pursuance of notification issued by the respondents 2 to 5 on 26.01.2004 and 11.02.2004 respectively.

For Petitioner : Mr.S.Vijayakumar
For 1st Respondent : Mr.J.Madhana Gopal Rao
For 2nd Respondent : Mr.Abdul Saleem
For Respondents 3 & 5 : Mr.R.Subramanian
For 4th Respondent : Mr.V.Girish Kumar

O R D E R

The petitioner, who is an LPG Distributor, has come up with the present Writ Petition seeking to forbear respondents 2 to 5 from commissioning and appointing LPG Distributorship at Sriperumbudur, Kancheepuram District, in pursuance of the notification issued by respondents 2 to 5 on 26.01.2004 and 11.02.2004, respectively.

2. Today, when the matter is taken up for hearing, learned counsel appearing for the respondents submitted that the 5th respondent/Company got merged with the 3rd respondent and that the Notification issued by respondents 4 and 5 is the subject matter under challenge by the petitioner.

3. Learned counsel for the petitioner submitted that the relief sought in this Writ Petition has become infructuous.

4. The 3rd respondent has filed counter affidavit today and for better appreciation, relevant paragraphs of the same are extracted hereunder:

"16. I state that revised refill sale limit of the market for the existing distributors and new LPG distributors will be the same as per unified guidelines for the selection of LPG distributor 2016 given below:

Unified guidelines for selection of LPG distributors
2016

Type of Area Distributor	Population as per census 2011	Refill ceiling limit	Refill sale P/m for feasibility limit
Sheheri Vitrak	City with population with > 40 lak	20,000	10,000
	City with population 20 to 40 Lak	15,000	7,500
	City with population 10 to 20 Lak	12,000	6,000

Type of Area Distributor	Population as per census 2011	Refill ceiling limit	Refill sale P/m for feasibility limit
Ruban Vitrak	Town with <10 lakhs	10,000	5,000
Gnam Vitrak	Villages/Cluster of Villages	5,000	2,500
Durgam Khetriya Vitrak	Villages/Cluster of Villages	1,500	600

17. I state that the petitioner is presently having domestic and non-domestic consumers, as follows:

	Domestic	Non-Domestic
Customer Strength (Appr.)	24,500	1000
Sales (No. of Cylinders) per/month	14,662	1458

18. I state that the creation of additional distributorships will encourage competition for better service to customers and shall be in the interest of the customers. In case no alternate distributor is available to serve the customers, then only difficulty of customer will arise, as they will not be having any choice."

5. In view of the above, as the policy/guidelines have changed, there is no need for any adjudication in this matter. However, as the petitioner is an LPG Distributor, it is open to her to seek fresh LPG Distributorship to the 3rd respondent and the same may be considered in accordance with law.

The Writ Petition is closed with the above observation. No costs.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To:

1. The Secretary,
Ministry of Petroleum and
Natural Gas Commission,
Union of India,
New Delhi.
2. The General Manager,
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Anna Nagar, Chennai 600 040.

+1 CC to Ms.S. Vijayakumar, Advocate sr 51914
+1 CC to Ms. Abdul Saleem, Advocate sr 52127
+1 CC to Ms.P.S. Sivasubramanian, Advocate sr 51875.

W.P.No.18632 of 2004

SAI (CO)
sp(29/08/2017)

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