

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.14109 of 2007

ORDER

This writ petition is filed with the following prayer:

“to issue an order, direction or writ more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents in issuing the proceedings Ref.GC/RET/TERM, dated 22.06.2007 terminating the dealership of the petitioner agreement dated 20.02.2005 as illegal and arbitrary and consequently set aside the same and pass such other order or orders”.

2. The petitioner was appointed as dealer for retail sale of petrol/diesel/motor oils/grease by the respondent Corporation vide agreement dated 20.02.2005. He was issued with a show cause notice dated 18.12.2006 on certain irregularities. He submitted his explanation on 17.05.2007. Petitioner states that without considering his explanation, the respondent Corporation issued notice dated 22.06.2007 terminating the dealership agreement.

3. Heard learned counsel for petitioner and learned Standing Counsel for respondent Corporation.

4. Learned counsel for petitioner submits that the respondent Corporation ought to have taken a lenient view in the matter by imposing fine or suspending the sales for 30 days as per the Marketing Discipline Guidelines, 2005 treating as first irregularly.

5. On the other hand, learned Standing Counsel for respondent Corporation submits that since the disputed questions of fact are

involved in the matter, as per clause 66 of the agreement dated 20.02.2005, the dispute can be referred to the arbitration.

6. As per Clause 66 of dealership agreement dated 20.02.2005, all disputes and differences between the parties be referred to the arbitration. Therefore, the petitioner is directed to take recourse to arbitration for adjudication of the dispute, and on such reference, the arbitrator shall dispose of the same in accordance with law.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

5th October, 2017

sj

M.S.K. JAISWAL, J

