

CWP No.21326 of 2017

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.21326 of 2017
Date of decision:19.09.2017**

Ram Mehar Singh and another ...Petitioners

Versus

Indian Oil Corporation Limited and another ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sumit Mahajan, Senior Advocate, with
Mr. Amit Kohar, Advocate, for the petitioners.

Mr. Ashish Kapoor, Advocate,
for respondents-caveator.

Rakesh Kumar Jain, J. (Oral)

This petition is filed to challenge the order dated 02.08.2017 by which the Indian Oil Corporation Limited (hereinafter referred to as the "Corporation") has terminated the retail outlet dealership of M/s Maharaja Oil Company in terms of Clause 45(d) of the Dealership Agreement.

Counsel for the petitioners has though vehemently argued that the impugned order is illegal because petitioner no.1 has been falsely implicated in the criminal case in which he though has been convicted but his appeal is pending and bail has been granted to him.

On the other hand, counsel appearing on behalf of the Corporation has submitted that the conviction of petitioner no.1 still stands and has not been set aside by this Court, therefore, in terms of Clause 45(d) of the Dealership Agreement, the order of termination has been passed.

After hearing learned counsel for the parties and examining the

available record, I am of the considered opinion that there is no error in the order passed by the Corporation in terms of Clause 45(d) of the Dealership Agreement because it is specifically provided therein that the Dealership Agreement would be terminated in case of conviction in a criminal case of the Dealer or any partner in the Dealer's firm or any member of the Co-operative Society appointed as Dealer.

Consequently, the present writ petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 19, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No