

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP 2505 of 2017

Date of decision: 9.2.2017

M/S Sutlej Filling Station

Petitioner

vs.

Indian Oil Corporation Limited and anr

Respondent

Present: Mr. I.K.Mehta, Sr. Advocate with
Mr. RK Dogra, Advocate.

M.M.S.BEDI,J.

The petitioner claims that it is running a petrol pump under the license issued by the Indian Oil Corporation Limited. Apprehending stoppage of the supplies pursuant to notice dated 31.1.2017 (Annexure P-30), the petitioner has approached this Court challenging the same.

I have heard counsel for the petitioner. A perusal of the communication dated 31.1.2017, issued by the Indian Oil Corporation Limited to the petitioner indicates that the petitioner has been advised to upload necessary details/ documents pertaining to the dealership on their portal "Dealer Annual Return" on the website of the Corporation and through the said details, the petitioner has been required to confirm certain crucial information which establishes the operation of the dealership as per approved constitution and is mandatorily required to be furnished to the Corporation as and when advised. The said notice informs the petitioner that in the event of non submission of the required valid documents by 14.2.2017, the Corporation shall be constrained to stop supplies of all the products and take necessary action as the Corporation deems fit.

Counsel for the petitioner submits that all the requisite documents required under law and the information as requisitioned in Annexure P-30, would be provided by the stipulated date but the petitioner apprehends that despite compliance of all the directions of the Corporation, the supplies of all the products would be stopped arbitrarily.

Notice of motion. Mr. Ashish Kapoor, Standing Counsel for the Indian Oil Corporation Limited, has accepted notice. Copy given.

I have heard counsel for the parties and I am of the opinion that the petition is pre-mature and not maintainable at this stage as no legal enforceable right has accrued to the petitioner to challenge any illegal action of the respondents. Besides this, no cause of action appears to have arisen till date.

The petition is disposed of as not maintainable. However, taking into consideration the apprehension of the petitioner, it is ordered that in case of dissatisfaction of the Indian Oil Corporation Limited regarding the non compliance of the requisite requirements by 14.2.2017 by the petitioner, the petitioner will be informed of the discrepancies and the supplies will not be stopped for a period of next 30 days after the issuance of the communication, in order to enable the petitioner to avail the legal remedy.

February 9, 2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No