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

CWP-7912-2017

Date of decision : 02.06.2017

M/s Phillaur Filling Station

... Petitioner(s)

Versus

Indian Oil Corporation Ltd. and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. I.K. Mehta, Senior Advocate with
Mr. R.K. Dogra, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for the respondent(s).

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the order dated 17.01.2017 (Annexure P-16) issued by the respondents/Indian Oil Corporation Ltd., whereby the respondents/Corporation have stopped the supplies of all products to the petitioner.

Mr. I.K. Mehta, learned Senior Counsel assisted by Mr. R.K. Dogra, learned counsel appearing on behalf of the petitioner submits that the petitioner has been uploading the entire detail on the dealership portal i.e. 'Dealer Annual Return', on the web-site of the Corporation, but vide impugned letter, without giving any opportunity of hearing for not uploading the alleged certificates of Canara Bank and the other Banks, the respondents stopped the supplies of all the products. In support of his

contentions, he relies upon the order dated 09.02.2017 passed by this Court in CWP No.2505 of 2017 titled as “M/s Sutej Filling Station V/s Indian Oil Corporation Limited and another”.

Mr. Ashish Kapoor, learned counsel appearing on behalf of the respondents/Corporation submits that time and again, the petitioner was informed of uploading the correct particulars as the credential of the petitioner is under doubt, as the dealership commissioned in 1993 was allotted to certain other persons i.e. Kewal Krishan sole proprietor and in the records of the answering respondents also reflects the same, therefore, the information being provided is not in consonance with the record and in view of such circumstances, the respondents/Corporation were constrained to stop the supplies of all the products, thus, urges this Court for dismissal of the present writ petition.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the impugned order had indicated of non-supplying the certain information, according to the respondents, being transacted by the petitioner with some other Bank. Instead of affording an opportunity of supplying the information, as sought in paragraph 3, certain supplies have been stopped. Such a procedure is unknown to the settled cannons of justice i.e. *audi alteram partem*,. The petitioner should have been afforded an opportunity to supply the information sought for within the specified period, in case of failure, steps as indicated in the impugned order, could have been taken. Having failed to adhere to such provisions, I am of the view that the action of the respondents/Corporation is not sustainable in the eyes of law, thus hereby set aside.

But however, this order of mine will not prevent the

respondents/Corporation to seek the necessary information as required strictly in terms and conditions of the dealership agreement i.e. the requirement of uploading the documents for all the assessment years, according to the circulars issued from time to time, by affording an opportunity of hearing. The petitioner(s) shall appear before the respondents/Corporation on the date intimated by the respondents/Corporation for supplying the information and satisfy the Officer with regard to the compliance of all the procedural requirements. In case, the petitioner does not suffice their requirements, the respondent(s)/Corporation shall take the measures, in accordance with law, however, in the meantime, the respondent(s)-Corporation is directed to restore the supplies of all the products forthwith.

Disposed of accordingly.

A copy of this order be given to the learned counsel for the petitioner under the signatures of the Reader attached with this Court.

02.06.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**