

\$~43-44.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 69/2016

ISHWAR SINGH SHARMA Appellant

Through: Mr. Prasoon Kumar, Adv.

Versus

BHARAT PETROLEUM CORPORATION

LIMITED AND ANR.

..... Respondents

Through: Mr. Anil K. Batra, Adv. for R-1 & 2.

+ LPA 519/2016

ANAND SWARUP BHARDWAJ & ORS

..... Appellants

Through: Mr. K.K. Rohatgi, Adv.

Versus

BHARAT PETROLEUM CORPORATION LIMITED & ORS

..... Respondents

Through: Mr. Anil K. Batra, Adv. for R-1 & 2.

Mr. Prasoon Kumar, Adv. for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **21.02.2017**

CM No.6835/2017in LPA No.519/2016

The appellants in LPA No.519/2016 filed this application stating that the appellants and the respondent No.3/Ishwar Singh Sharma have entered into a compromise on 09.02.2017 with regard to reconstitution of the firm M/s Jai Narain & Co. and operation of the retail outlet licensed by Bharat Petroleum Corporation Limited (BPCL) and accordingly praying to take on record the compromise dated 09.02.2017 and direct BPCL/respondent No.1 and 2 to take into consideration the reconstitution of M/s Jai Narain & Co. and to permit the firm to operate the retail outlet.

We have heard Sh.K.K.Rohatgi, the learned counsel appearing for the

applicants/appellants and Sh.Prasoon Kumar, the learned counsel appearing for the respondent No.3.

The parties to the settlement/Memorandum of Understanding dated 09.02.2017, i.e., Sh.Anand Sarup Bhardwaj and Sh.Ishwar Singh Bhardwaj have also appeared in person and admitted their signatures.

We have also heard Sh.Anil K.Batra, the learned counsel appearing for Bharat Petroleum Corporation Ltd.

It is relevant to note that the respondent No.3/Ishwar Singh Sharma has filed another appeal being LPA No.69/2016 against the order under appeal dated 01.12.2015 in W.P.(C) No.8752/2009. It is submitted by the learned counsel for respondent No.3/Ishwar Singh Sharma that in view of the settlement dated 09.02.2017 between the parties, LPA No.69/2016 may also be disposed of in terms of the said settlement.

Accordingly, the settlement/Memorandum of Understanding dated 09.02.2017 is taken on record and the application shall stand disposed of.

LPAs No.69/2016 & 519/2016

For the reasons stated above, both the appeals are disposed of in terms of the settlement/Memorandum of Understanding dated 09.02.2017.

The BPCL is at liberty to take into consideration the reconstitution of the firm, M/s Jai Narain & Co. and take an appropriate decision in accordance with law to allow the said firm to operate the retail outlet.

Both the appeals are accordingly disposed of.

CHIEF JUSTICE

FEBRUARY 21, 2017/kks SANGITA DHINGRA SEHGAL, J