

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3565 of 2015

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Binod Kumar, son of late Rameshwar Nath Gupta, Resident of Sheohar, P.S.
Sheohar, District- Sheohar, Proprietor of M/s Binod Kumar, Sheohar.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Sheohar.
3. The Sr. Divisional Retail Sales Manager, Indian Oil Corporation Ltd.
Muzaffarpur Divisional Office, Muzaffarpur.
4. The General Manager, Indian Oil Corporation (M.D), Loknayak Jai Prakash
Bhawan, 5th Floor, Dankbanglow Chowk, Patna- 800001.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Dhananjaya Nath Tewari Mr. Mrigank Mauli, Mr. Vinay Mistry, Advocates
For the State	:	Mr. Sunil Kr. Mandal, SC 3 Mr. Bipin Kumar, AC to SC 3
For Respondent-IOC	:	Mr. Anil Kumar Jha, Sr. Advocate Mr. Sanat Kr. Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-07-2018

Heard learned counsel for the petitioner, learned counsel
for the State as well as learned senior counsel for the respondent-
Indian Oil Corporation Limited.

2. The present writ petition has been filed for setting
aside/quashing an order dated 31.03.2014 (Annexure-10) by which
the dealership granted by the Indian Oil Corporation has been
terminated by the General Manager, I.O.C., Patna.

3. At the very outset, Mr. Anil Kumar Jha, learned senior
counsel for the respondent-Indian Oil Corporation Limited, invites



attention to the Dealership Agreement dated 18.12.1986 entered into between the parties (Annexure-R to the counter affidavit), Clause 27 whereof provides for exclusive jurisdiction of the Courts at Calcutta. Besides, Clause 28 of the said Agreement provides that any dispute or difference of any nature whatsoever or regarding any right, liability act, omission or account of any of the parties hereto arising out of or in relation to this agreement shall be referred to the ‘sole Arbitrator’.

4. In the above view of the matter, this Court is not inclined to enter into the merits of the dispute and the contentions of the petitioner. The writ petition stands disposed of with liberty to the petitioner to avail such remedy as may be available to him in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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