

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10697 of 2017

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M/s Lilha Brothers through its a partner Vineet Kumar Lilha @ Vineet Lilha,
Son of Arun Kumar Lilha, Resident of Village, Post and P.S. Kamtaul, District
Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Bihar, Patna.
2. The Collector and District Magistrate, District- Darbhanga.
3. The Sub- Divisional Officer, District- Darbhanga.
4. The Indian Oil Corporation Ltd. through Sr. Divisional Manager, Block- A, Mauryalok Complex, 3rd Floor, Dakbunglow Road, Patna.
5. The Sr. Divisional Manager (SDRSM), Indian Oil Corporation Ltd. Marketing Division, Block- A, Mauryalok Complex, 3rd Floor, Dakbunglow Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Labh, Advocate
For the IOCL	:	Mr. Anil Kumar Jha, Advocate
		Mr. Sanat Kr. Mishra, Advocate
For the State	:	Mr. Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 17-07-2018

Heard learned counsel for the petitioner, learned
counsel for the respondent-Indian Oil Corporation and the
State.

Petitioner has filed this writ application for
allotment of kerosene oil to the petitioner's firm i.e. M/s
Lilha Brothers, who was granted Licence No. 4/85, supply of
which was suddenly stopped in the month of October, 2016.

The Indian Oil Corporation has filed its counter
affidavit stating therein that due to complaint by one of the
surviving partners, the supply was stopped, but it has been



stated in paragraph 14 of the counter affidavit that if the legal heirs of the deceased partners and the surviving partners bring fresh proposal for reconstitution with consent of all, the Indian Oil Corporation will consider for reconstitution for supply of kerosene oil. Paragraph 14 of the counter affidavit filed on behalf of respondent nos. 4 and 5 is quoted hereinbelow :

“14. That however it is stated that if the legal heirs of the deceased partners and the surviving partners bring a fresh proposal for reconstitution with consent of all, then the Indian Oil Corporation would consider for reconstitution of the agency. If reconstitution of the agency takes place then the supply of SK oil to the subject agency M/s Lilha Brothers would resume subject to validity of Trade License under Unification Order issued by the District Magistrate Darbhanga.”

Considering the aforesaid, the petitioner is agreeable to reconstitute his partnership firm and apply afresh. The petitioner is permitted to make such application before the respondent-Indian Oil Corporation within a period of two weeks. The authorities of the Indian Oil Corporation will consider the application of the petitioner specifically in view of the fact that a wholesale dealership was given to the firm M/s Lilha Brothers vide Licence No. 4/85, which is not



to an individual and pass appropriate order positively within four weeks thereafter.

The writ application stands disposed off with the observation aforesaid.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2018
Transmission Date	NA

