

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.740 OF 2018

M/s.Agra Road Motor Service, HPCL
Dealer and anr .. Petitioners
Versus
Hindustan Petroleum Corporation
Ltd .. Respondent

...

Mr.PA.Pol with S.S.Suryavanshi i/b Pol Legal Juris for the petitioners.

CORAM: R.M.BORDE AND
R.G.KETKAR, JJ

DATED : 31st JANUARY 2018

P.C:-

1 The Petitioner is objecting to the action of termination of dealership agreement on account of certain alleged irregularities / illegalities on the part of the petitioner dealer. It is not necessary to dwell into the correctness or otherwise of the action taken by the petroleum company. The counsel appearing for respondent petroleum company states that in view of clause 66 of the Dealership Agreement as well as in view of the provisions of the Arbitration and Conciliation Act, 1996, the petitioner shall have to avail of the alternate efficacious remedy available in law for redressal of his grievance. It would be open for the petitioner to avail of the alternate remedy for redressal of his grievance.

2 The petitioner may tender application/appeal to an appropriate forum, and also may seek interim orders, however, to

facilitate the petitioner to approach appropriate forum, we deem it appropriate to direct the respondent not to enforce the possession of the property and the assets i.e. retail atleast for a period of three weeks from today.

3 It would be open for the petitioner to seek interim protection from alternate forum during the intervening period. The interim protection granted by us, shall be operative only for a period of three weeks from today.

4 In view of above, the counsel appearing for petitioner seeks leave to withdraw the petition. Leave granted.

5 Petition is disposed of accordingly.

6 It would be open for the petitioner to raise all the contentions raised in the instant petition before the appropriate forum.

(R.G.KETKAR, J)

(R.M.BORDE, J)