

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4076 OF 2018

Shri Anand Eknath Kakad	.. Petitioner
Vs.	
Union of India and ors.	.. Respondents

Mr.Anil Mardikar, Senior Counsel a/w Mr.Gaurav Belsare,
Mr.Kunal Mallamwar, Mr.Hrishikesh Marathe & Mr.Amey
Deshpande, for the Petitioner.
Mr.Chirag Modi a/w Mr.Sunil Gangan i/b RMG Law Associates,
for Respondent No.2.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 09th APRIL, 2018**

P.C. :

1. The respondents have filed reply. The same is taken on record.

2. According to the petitioner, a show cause notice was issued to him terminating his dealership for petroleum products. The petitioner has submitted reply to the said show cause notice. His apprehension is that the respondents may pass an

order terminating the petitioner's dealership which the petitioner is continuing since 2004. He submits that there is provision for Appeal against the impugned order, but in case the termination order is given effect then the petitioner's business will disrupt.

3. On the other hand, learned Counsel appearing for the respondents has submitted that the Petition has been filed at the stage of show cause notice. He submits that after the decision on the show cause notice, the petitioner has got remedies of approaching before the competent Civil Court by filing an Application under Section 9 of the Arbitration Act or he may challenge the order as may be passed by filing the Appeal under Marketing Disciplinary Guidelines.

4. Undisputedly, the petitioner is carrying on business of retail sale of petroleum products. On the basis of the raid out of 5 dispensers of his retail outlets, 2 were seized by the police. It is the case of the petitioner that the retail outlets are running

since 2004 and even after the seizer of 2 outlets, 3 dispensers are allowed to be run and the petitioner is running his business from those 3 dispensers about which no seizer has been effected.

5. Learned Counsel for the petitioner further submits that since the petitioner is running the business from 3 dispensers about which no seizer has been effected, the same be allowed to continue as in case adverse order is passed, the petitioner will have to stop the business and the Appeal will take time to get decided.

6. Having considered the submissions made by learned Counsel for the petitioner and learned Counsel for respondent No.2 and in the peculiar facts and circumstances of this case, we deem it appropriate to dispose of this Petition by observing that the status-quo as is existing be continued and in case any adverse order about termination of dealership is passed against the petitioner by 2nd respondent, the same shall not be given effect for a period of 2 weeks so that appropriate remedy may be

availed by the petitioner in accordance with law.

7. With the aforesaid directions, the Petition is disposed of. All the contentions of both the sides are kept open.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)