

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.27272 of 2016

and

W.M.P.Nos.23446 and 23447 of 2016

M/s.Sultania Fuel Service,
Rep.by its Proprietor,
Ahmed Meeran,
Gangaikondan NH 47,
Tirunelveli, Tamil Nadu.

..Petitioner

Vs

1.Bharat Petroleum Corporation Ltd.,
Rep.by its Chairman and Managing Director,
Having its Registered Office at,
Bharat Bhavan, 4 and 6 Currimbhoy Road,
Bhallard Estate, Mumbai -1.

2.Bharat Petroleum Corporation Ltd.,
Rep.by its Head (Retail)South,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai - 600 040.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the records relating to order dated 31.08.2015 of the second respondent herein SRO:RET:TERMINATION (SULTHANIA) and to quash the same.

For Petitioner : Mr.A.R.Karthik Lakshmanan
For Respondents : Mr.M.Vijayan
for M/s.King & Partridge

O R D E R

The petitioner has come up with this writ petition to challenge the order of the second respondent dated 31.08.2015 in SRO:RET:TERMINATION (SULTHANIA).

2. According to the petitioner, the petitioner has entered into a dealership agreement with the respondents and obtained licence, for running a retail outlet in the name and style of M/s.Sultania Fuel Services. On 31.08.2015, the second respondent terminated the dealership agreement alleging that there has been introduction of some foreign substances into the RO tanks and non-conformance of the product to meet the requirements of Motor Gasoline BS III. Aggrieved over the same, the petitioner filed an appeal before the Appellate Authority on 29.09.2015 and the same is pending for consideration.

3. The learned counsel appearing for the petitioner submitted that it would suffice, if the appeal filed by the petitioner is directed to be considered by the first respondent, for which, the learned counsel for the respondents has no serious objection.

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to dispose of the appeal filed by the petitioner dated 29.09.2015, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as other necessary parties, as expeditiously as possible preferably, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

ms

To

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1. The Chairman and Managing Director,
Bharat Petroleum Corporation Ltd.,
Having its Registered Office at,
Bharat Bhavan, 4 and 6 Currimbhoy Road,
Bhallard Estate, Mumbai -1.

2. Head (Retail) South,
Bharat Petroleum Corporation Ltd.,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai - 600 040.

+1cc to Mr.King & Partridge, Advocate SR.No.61316

+1cc to Ms.AL.Ganthimathi*, Advocate SR.No.61550

W.P.No.27272 of 2016
and
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GMV (26/09/2018)



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