

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4805 of 2018

ORDER:

This Writ Petition is filed for the following relief:

“.....to issue writ or order or direction more so in the nature of Writ of Mandamus declaring the inaction of Respondent No 2 in failing to rectify the incorrectly recorded K-factor in the inspection report Dt 03 04 2017 by conducting reinspection of Petitioner retail outlet in AI Motor Spirit (MS) B1 Motor Spirit (MS) A2 High Speed Diesel (HSD) and B2 High Speed Diesel (HSD) Nozzles in MPD 1 (SI No 1111P0873) and A2 High Speed Diesel (HSD) and B2 High Speed Diesel (HSD) Nozzles in MPD 2 (SI No 1111P0879) as arbitrary illegal violation of Petitioners rights guaranteed under Articles 14 19(1)(g) and 21 of the Constitution of India and consequently suspend the operation of the report Dt:22.12.2017 Report No 2009970/2017/0002 of Respondent No 3 by directing them to resume the sale/business from the retail outlet of the petitioner by supplying MS/HSD as per the Dealer Agreement Dt:29.02.2012”

It is the case of the petitioner that the petitioner was addressed a letter, dated 29.12.2017, by the respondent Corporation stating that there are 14 irregularities pointed out during inspection of the retail outlet and explanation was called for.

Learned counsel for the petitioner submits that the petitioner has already submitted explanation in response to the aforesaid letter.

Learned Standing Counsel for Bharat Petroleum Corporation Limited appearing for respondents 3 and 4 submits that the explanation stated to have been submitted by the petitioner would be considered and appropriate orders would be passed.

A perusal of the aforesaid letter indicates that though 14 irregularities were pointed out, 1 to 3 of the same are objectionable and 4 to 14 are minor in nature, which can be rectified and which really does not affect the distribution of petroleum products.

In view of the above, the writ petition is disposed of with the direction to the respondent Corporation to consider the explanation stated to have been submitted by the petitioner and pass appropriate orders within a period of four weeks positively from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:16.02.2018

kdl