

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM

THE HON'BLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1377 of 2019
and W.M.P.No.1534 of 2019

Sri Murugan LPG Bullet Service,
Rep.by its Managing Partner,
K.Arun

... Petitioner

vs.

The General Manager,
(LPG-S&D)
Indian Oil Corporation Ltd.,
Southern Region,
No.139, Nungambakkam High Road,
Chennai - 600 034.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondent from cancelling the Letter of Intent in Ref.No.LPG/BULK/TT/IOC/TN/2018/403944/670 dated 24.09.2018 till the completion of the investigation in Crime No.705 of 2018 dated 01.10.2018 on the file of Tunga Nagar Police Station, Shimoga Rural Circle, Shimoga District by considering the petitioner's representation dated 07.11.2018, 01.12.2018, 06.01.2019 and 10.01.2019.

For Petitioner :Mr.R.Singaravelan,
Senior Counsel for Mr.Jayaprakash

For Respondent : Mr. Mohamed Fayaz Ali

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, forbearing the respondent from cancelling the Letter of Intent in

Ref.No.LPG/BULK/TT/IOC/TN/2018/403944/670 dated 24.09.2018 till the completion of the investigation in Crime No.705 of 2018 dated 01.10.2018 on the file of the Tunga Nagar Police Station, Shimoga Rural Circle, Shimoga District, by considering the petitioner's representations dated 07.11.2018, 01.12.2018, 06.01.2019 and 10.01.2019.

2. The case of the petitioner is that he is doing the LPG bulk transport business under the name and style of "Sri Murugan LPG Bullet Service". There was a tender floated by the respondent dated 23.01.2018 for transportation of bulk LPG through road. The petitioner participated in the E-Tender conducted by the respondent and he was also a successful and lowest bidder among the participants. He was also provisionally selected and Letter of Intent dated 24.09.2018 was also issued to the petitioner for the Truck in Regn.No.TN-28-AR-2720. The petitioner has also deposited a sum of Rs.7,50,000/- as security deposit as per the contract in the form of Bank Guarantee and a formal agreement was also executed within the stipulated period. As a successful bidder, the petitioner has to be ready with the truck before the IOCL bottling plant for the physical verification and unfortunately, it is stated that the said truck was stolen and an F.I.R was also lodged. Therefore, the petitioner could not place the truck for physical verification. As F.I.R is lodged and the Police is also requesting for few more weeks to trace the vehicle, the petitioner has filed this Writ Petition seeking for the relief stated supra.

3. The learned Counsel appearing for the respondent states that till today, the Letter of Intent granted in favour of the petitioner has not been cancelled. In the event of cancellation, the amount will also be forfeited.

4. As the theft of the vehicle is beyond the control of the petitioner and on the humanitarian ground, the same may be considered.

5. Accordingly, the respondent is directed not to cancel the Letter of Intent granted on 24.09.2018 and withhold the same for a period of four weeks from today. The petitioner is directed to take best efforts to trace his vehicle and make it fit for transportation of bulk LPG. In the event of non-production of vehicle before the end of the fourth week, it is open to the respondent to cancel the Letter of Intent and proceed further as per the contract.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

srn

To

The General Manager,
(LPG-S&D)
Indian Oil Corporation Ltd.,
Southern Region,
No.139, Nungambakkam High Road,
Chennai - 600 034.

+1cc to Mr.Mohamed Fayaz Ali, Advocate, S.R.No.4680
+1 CC to Mr.Jayaprakash, Advocate sr 6240 (25/01/2019)

W.P.No.1377 of 2019
and
W.M.P.No.1534 of 2019

GSP (24/01/2019)



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