

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.7908 of 2019
and
W.M.P.No.8518 of 2019

M/s.Dev Keerthi Bharatgas Agencies,
Rep. by its Partner T.Sarankumar,
No.17/4, Cheran Street,
Hasthampatty, Salem - 636 007.
... Petitioner

Vs

The Territory Manager-LPG,
Bharat Petroleum Corporation Limited,
Post Box No.1644, Peelamedu,
Coimbatore - 641 004. ... Respondent

Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorari, to call for the records of the respondent
relating to the impugned order of the respondent in
CBE:LPG:3.33:CON dated 11.03.2019 and quash the same.

For Petitioner : Mr.T.Gowthaman

For Respondent : Mr.M.Vijayan
for M/s.King & Partridge

ORDER

The petitioner is aggrieved against the
communication dated 11.03.2019 issued by the respondent,
wherein and whereby, the petitioner was informed that
suitable action will be initiated against the petitioner
under Clause No.28(I) of the Distributorship Agreement
dated 24.08.2017.

2. Heard both sides.

3. It is seen that the petitioner was selected for
LPG distributorship and consequently, they were awarded
with the said distributorship after entering into the
agreement between the parties as early as on 24.08.2017.
However, subsequently a show cause notice was issued to
the petitioner on 24.10.2018, as if the petitioner's
location is not within the notified area. The said show
cause notice was put to challenge before this Court in

the W.P.No.29777 of 2018, this Court disposed of the said writ petition on 26.11.2018 by directing the respondent to give an opportunity of personal hearing to the petitioner. Thereafter, the petitioner gave a reply on 24.01.2019 and also attended the personal hearing. Now, the present impugned communication was issued on 11.03.2019, by observing that it was established that the petitioner's showroom is not in the advertised location or locality as per the advertisement. However, the final order is yet to be passed, as it is evident from the impugned communication itself.

4. Needless to say that the petitioner is at liberty to either give a reply to the present impugned communication itself before passing the final order or to wait for the final order to be passed to challenge the same thereafter. In any event, if the petitioner has chosen to file any reply to the present communication dated 11.03.2019, it is open to them to do so within a period of two weeks from the date of receipt of a copy of this order. If any such reply is filed, the respondent shall take into consideration of such reply before passing the final order. Since this Court has granted two weeks time to the petitioner to give a reply, the respondent is directed not to pass any final order till such time.

5. With the above direction, this Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

gsi/vri

To

The Territory Manager-LPG,
Bharat Petroleum Corporation Limited,
Post Box No.1644, Peelamedu,
Coimbatore - 641 004.

+lcc to M/s.King & Partridge , SR.No. 31316

+lcc to Mr.T.Gowthaman , Advocate SR.No. 31825

W.P.No.7908 of 2019

A.SK(24/04/2019)