

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.07.2019
CORAM
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU
WP. No. 19448 of 2019
and
WMP.No. 18943 of 2019

Bharat Petroleum Corporation Limited
Represented by its Territory Manager (Retail)
Chennai Territorial Office
No.35, Vaidyanathan Street
Tondiarpet, Chennai 800 081.

..Petitioner

Vs.

1.The Transport Commissioner
The Appellate Authority under
Rule 154(1) (iii) of the Petroleum Rules, 2002
Ezhilagam
Chennai 600 005.

2.District Revenue Officer
Vellore District
Vellore.

3.V.S.Kumaran

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to dispose of the Appeal filed by the Petitioner under Rule 154(1) (iii) of the Petroleum Rule, 2002 against the order of the Second Respondent in PA/MU.C2/9154/2015 dated 17.06.2019 within a reasonable time frame fixed by this court.

For Petitioner : Mr. M.Vijayan for
M/s. King and Partridge

For Respondents: Mr. M.Karthikeyan for R1 & R2
Additional Government Pleader
: Mr. M.Rajasekar for R3

O R D E R

The Writ Petition has been filed for a direction to the First Respondent to dispose of the appeal filed by the Petitioner under Rule 154(1) (iii) of the Petroleum Rules, 2002, against the order No. PA/MU.C2/9154/2015 dated 17.06.2019

passed by the Second Respondent, within a reasonable time frame fixed by this Court

2. Learned Additional Government Pleader appearing on behalf of the First and Second Respondents, on instructions, states that hearing of the aforesaid appeal has been fixed at 3.00 p.m. on 02.09.2019 in the office of the First Respondent. It shall be ensured that after hearing all the concerned parties, the appeal is expeditiously disposed.

3. Learned Counsel for the Petitioner submits that the Petitioner is also seeking orders on the application made for interim stay of the order impugned in that appeal during its pendency, which the First Respondent would have to entertain. In this regard, reliance has been placed on the decision of this Court in Lipton India Ltd. -vs- Assistant Commissioner (CT), Central Assessment Circle I, Greams Road, Madras [(1994) 95 STC 216 Mad] in which after referring to the decisions of the Hon'ble Supreme Court of India on that aspect, it has been held that a statutory authority before whom an appeal is preferred, has inherent power to consider an application for interim stay of the orders impugned before it, even in the absence of express provision in that regard.

4. In such circumstances, it is agreed by the Learned Counsel for the parties that the Petitioner, the Third Respondent and the dealer of the Petitioner, viz, C. Lakshmi Narasimhan (Petitioner in connected W.P. No. 18563 of 2019) shall appear before the First Respondent at 3.00 p.m. on 05.08.2019 for taking up the application for interim stay during the pendency of that appeal. It is needless to add here that if such application is filed, it shall be incumbent upon the First Respondent to consider the same till final decision is taken in that appeal and after hearing the concerned parties, appropriate orders on merits in accordance with law shall be passed in the matter.

5. Recording the aforesaid subsequent events, the Writ Petition stands disposed. Consequently, connected Miscellaneous Petition is also closed. No costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Transport Commissioner
The Appellate Authority under
Rule 154(1) (iii) of the Petroleum Rules, 2002
Ezhilagam
Chennai 600 005.

2.District Revenue Officer
Vellore District
Vellore.

+lcc to M/s. King and Partridge, Advocate sr.65711

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br(co)
nr 02/08/2019



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