

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11191 of 2014

Date of Decision:18.10.2019

Ashwani Yadav

...Petitioner

versus

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- Mr. S.K. Yadav, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for respondent No.2.

Mr. Saurabh Mohunta, DAG, Haryana

Mr. Vishal R. Lamba, Advocate
for respondent Nos. 5 and 6.

RAJIV NARAIN RAINA , J(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus seeking directions to the official respondents to take action against private respondents No. 5 and 6 who are dealers in an LPG distributorship of the respondent Indian Oil Corporation.

The petitioner's locus standi has been seriously questioned in the written statements filed by the respective parties including the corporation. I would particularly refer to the written statement filed on behalf of respondents No. 5 and 6, being the Manager and Distributor. In paragraph No.1, it has been averred as follows:-

“The present writ petition is nothing but a sheer abuse of the process of the Court, in order to seek vengeance out of personal grudge. The cause of grudge being that the

petitioner is running the business of Luxmi Tent House in Mandi Ateli, Tehsil Narnaul, District Mahendergarh since the past over 15/16 years. At the time of booking services, the petitioner takes guarantee of domestic cylinder in lieu of commercial cylinders and collected Domestic Gas Consumer Cards (DGCC) from different persons/consumers and received their domestic cylinders and used the same for commercial purposes at functions booked by him. On getting to know of this modus operandi of the petitioner the answering respondents refused to supply these cylinders to him in the year 2011. Whereafter he started making complaints against the answering respondents and the previous CWP No. 7239 of 2012 and the present writ petition are the outcome of that grudge.”

The written statement is dated 21.1.2016. The petitioner has not filed replication controverting the averments made in the written statement of the distributor, which conclusively shows that the petitioner's activities are underhand and not above board. He is a consumer of the agency, who is running a parallel business of receiving domestic cylinders from the consumers after collecting their Domestic Gas Consumer Cards (DGCC) and using the same for commercial purposes.

As far as the distributorship is concerned, in the year 2012, the Indian Oil Corporation, on surprise inspection, had found major irregularities committed by the dealer/distributor and a penalty was imposed to the tune of ₹ 71,690/-, which was deposited on 12.09.2012. But in a subsequent surprise inspection carried out in 2013 for two days in July, no irregularity was found. The matter of distributorship is between the Indian Oil Corporation and the Dealer. No deficiency in service was found during the inspection by IOC in 2013. Besides this, at the instance of the Punjab

Food and Supplies Department, an FIR was lodged against the respondent distributor and after police investigation, a cancellation report was filed before the trial Court. I am given to understand that no protest petition was filed challenging the cancellation report and the trial Court must have accepted the same as it is and closed the case.

A writ is not meant for settling personal scores or for nursing a grudge. The nefarious activities and shady deals of the petitioner revealed in the written statement have not been controverted by him even though it was filed long ago in January 2016. The facts are deemed to be admitted. The implications are grave in nature. Even assuming the FIR has not been cancelled, the petitioner still has no case. No interference is warranted in this petition.

Dismissed.

18.10.2019

dinesh/Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: Yes/No