

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.22607 of 2019 (O&M)
Date of Decision:13.09.2019**

M/s Harpreet Oil Carriers

.....Petitioner

Versus

Bharat Petroleum Corporation Ltd. & ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. B.S. Patwalia, Advocate for the petitioner.

Mr. Raman Sharma, Advocate for respondents.

TEJINDER SINGH DHINDSA J.(Oral)

Instant writ petition came up for preliminary hearing before this Court on 26.08.2019 and while issuing notice of motion the following order was passed:-

As per pleadings on record, petitioner/firm was awarded a contract for five lorries for transportation of bulk petroleum products vide Letter Of Intent dated 01.08.2017. The period of contract was for five years.

Challenge in the instant petition is to a show cause notice dated 17.06.2019 (Annexure P-5) issued by the respondent/Bharat Petroleum Corporation Limited with regard to alleged violation of Clause 8.2.2.16 of the Oil Industry Transport Discipline Guidelines on the ground that excess petroleum product was found in one lorry bearing registration No.PB-31-D-6061 in a surprise check conducted on 24.04.2019. Petitioner/firm is stated to have responded to such show cause

notice but no final orders have been passed.

Counsel would argue that necessity for filing the instant writ petition has arisen on account of circumstances whereby none of the lorries of the petitioner/firm in pursuance to contract awarded are being permitted to enter the premises of the respondent/Corporation so as to carry out the contractual obligations from the date of issuance of the show cause notice dated 17.06.2019(Annexure P-5).

Notice of motion, returnable for 30.08.2019.

Liberty is granted to serve the respondents through Mr. Raman Sharma, Advocate, who represents the Bharat Petroleum Corporation Limited in other matter before this Court.

To be taken up immediately after the urgent motion

Mr. Raman Sharma, learned counsel representing the respondent-Bharat Petroleum Corporation Limited has filed in Court today a written statement on behalf of respondents No.1 to 4 alongwith Annexure R-1. The same is taken on record and a complete copy has been supplied to counsel opposite.

In para 15 of the written statement a categoric stand has been taken that the Corporation has unblocked the suspension of the other five vehicles of the petitioner-firm and as such the suspension as of date operates only qua one vehicle bearing Registration PB-31D-6061. It has further been stated in the written statement that the respondents would make an endeavour to take a final decision on the show cause notice dated 17.06.2019 (Annexure P-5) even as regards the afore- noticed vehicle.

It may be taken note of that the period of contract entered into was for five years.

The show cause notice is dated 17.06.2019 as regards alleged violation of Clause 8.2.2.16 of the Oil Industry Transport Disciplinary Guidelines on the basis that excess petroleum product was found in the vehicle in question.

Be that as it may the respondent-Corporation is obligated to take a final decision on the show cause notice dated 17.06.2019 and which has already been responded to by the petitioner firm. By delaying the matter the contract itself would be frustrated.

In view of the above and without opining on the merits of the case the instant writ petition is disposed of with a direction to the respondent-Corporation to take a final decision in the matter expeditiously and in any case within a period of three weeks from today.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 13, 2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No