

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP No.12303 of 2020 (O&M)
DATE OF DECISION : 10th DECEMBER, 2020

Punjab Service Centre

.... Petitioner

Versus

Indian Oil Corporation Limited, Mumbai & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Harsh Aggarwal, Advocate for the petitioner.

Mr. Ashish Kapoor, Advocate for respondents No.1 to 4.

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RAJBIR SEHRAWAT, J. (Oral)

CM-11741-CWP-2020 &
CM-13209-CWP-2020

These are the applications filed by the respondents under
Section 151 CPC for placing on record their additional affidavit.

The applications are allowed as prayed for and the additional
affidavits annexed with the applications are taken on record.

CM-13386-CWP-2020

This is the application filed by the petitioner under Section
151 CPC for placing on record the counter affidavit to the additional
affidavit filed by the respondents.

The application is allowed as prayed for and the counter affidavit filed by the petitioner to the additional affidavit of the respondents, is taken on record.

CWP No.12303 of 2020

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari calling for the records relating to inspection report dated 24.10.2019 (Annexure P-5), show cause notice dated 04.02.2020 (Annexure P-9) and termination order dated 10.07.2020 (Annexure P-12) and for quashing the same.

The counsel for the respondents has submitted that pursuant to the previous order the affidavit of the Head of the State has been filed clarifying therein that the due approval was granted by the Head of the State qua the termination of the dealership of the petitioner; on 06.07.2020.

The counsel for the respondents has again reiterated that the order impugned by the petitioner in the present writ petition is appealable under the Marketing Discipline Guidelines. The appellate board for the said purpose has already been constituted by the respondents to hear the appeals. Hence, the present petition deserves to be dismissed. The petitioner may avail his remedy of appeal.

Accordingly, this court finds that since the petitioner is having alternate prescribed remedy of appeal, therefore, it would not be appropriate for this court to interfere at this stage. Hence, the present petition is dismissed. However, the petitioner would be at liberty to avail

his remedy of appeal before the prescribed authority, in accordance with law.

It is further ordered that since the petitioner has been agitating his grievance before this court, therefore, if the petitioner files the appeal before the appropriate authority within a period of thirty days from today, then the limitation for filing the said appeal shall be deemed to have been condoned and the concerned authority shall decide the appeal of the petitioner on merits.

10th DECEMBER, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>