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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3805/2020

ARUN CHAUHAN & ANR.

..... Petitioners

Through: Mr.I.S.Alag, Sr. Adv. with Mr.Ram
Singh Bisht, Adv.

versus

HINDUSTAN PETROLEUM CORPORATION LTD. & ANR.

..... Respondents

Through: Ms.Arati Singh, Mr.Aakashdeep Singh
Roda, Mr.B.P.Singh, Advs. for R-1.
Mr.Sanjeev Sabharwal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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30.06.2020

This hearing has been held through video conferencing.

CM 13639/2020(Exemption from filing notarized affidavit and affixing of court fee)

1. This application has been filed seeking exemption from filing duly notarised affidavit and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.
2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.
3. Application is disposed of.

CM 13638/2020(Exemption)

Allowed, subject to all just exceptions.

WP(C) 3805/2020 & CM 13640/2020 (Stay)

1. This petition has been filed by the petitioner praying for the following reliefs:

- “(i) a Writ of mandamus or any other Writ, Order or Direction in the nature of mandamus or any other appropriate writ, order or direction in the nature of mandamus, inter alia, directing the Respondent No. 1 to allow the re-constitution of the Petitioner No. 2 firm as applied by the Petitioners, more particularly, in accordance with Clause L(4) of the Respondent No. 1's guidelines for reconstitution of retail outlets/dealerships*
- (ii) a Writ of certiorari or any other Writ, Order or Direction in the nature of Certiorari or any other appropriate Writ, Order or Direction, quashing/setting aside the Show Cause Notice Reference DRO/RCB-PM dated 05.03.2020 issued by the Respondent No. 1 by virtue of which the Respondent No. 1, has called upon the Petitioners to show cause as to why the dealership be not terminated.*
- (iii) a Writ of mandamus or any other Writ, Order or Direction in the nature of mandamus or any other appropriate writ, order or direction in the nature of mandamus, inter alia, directing the Respondents, more particularly the Respondents No. 1 to continue the supply of petroleum and petroleum products to the Dealership/ Retail Outlet of the Petitioners, upon the Petitioners complying with the necessary terms and conditions of the Dealership Agreement regarding payment as they have been doing in the past and till date.”*

2. It is the case of the petitioner that there is a dispute between the

petitioner no.1 and the erstwhile partner, who has not been made a party to this petition. Such dispute has admittedly resulted in various litigations as well. The respondent no.1 has issued a Show Cause Notice dated 05.03.2020 calling upon the petitioner to show cause as to why the Dealership Agreement be not terminated for the breach of the terms thereof. A reply to the Show Cause Notice was filed by the petitioner on 20.03.2020. The petitioner also applied to the respondent no. 1 for recording the reconstitution of the dealership firm by a request letter dated 17.06.2020.

3. In the meantime, by the Circular dated 31.12.2019, the respondent no.1 called upon all its dealers to upload documents for identification of deviations and record keeping. The said Circular further stated that non/incomplete submission of details through the portal by the due date will result in suspension of supplies. It states that in case of inability to submit the details due to genuine reasons, the same be brought to the notice of the issuing authority well in advance with a formal request for continuing /resumption of supplies. The learned senior counsel for the petitioners submits that the last date for submitting documents is today that is 30.06.2020.

4. Admittedly, the petitioner has not applied under the said circular till date nor applied for seeking exemption. As noted herein above, the application seeking recording of reconstitution of the firm has also been filed by the petitioner with the respondent no. 1 only on 17.06.2020.

5. In view of the above, the only limited relief that can be granted to the petitioners at this stage is a direction to the respondent no.1 to expedite the process of consideration of the reply submitted by the petitioner to the Show Cause Notice; the petitioner's application dated 17.06.2020 for recording the

reconstitution of the dealership firm; as also to consider the contents of the present petition as a representation of the petitioner in terms of the Circular dated 31.12.2019. Such consideration be done expeditiously and preferably within two weeks from today and the decision be communicated to the petitioner. Needless to say, in case the petitioner is aggrieved of such decision, it shall always be open to the petitioner to challenge the same in accordance with law.

6. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

JUNE 30, 2020/rv