

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7994 of 2020**

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Mrs. Mithilesh Singh wife of Shri J.P.N. Singh Proprietor of M/s Maa Devi HP Gas Agency, North of High School, Ismela, Sitalpur, P.S. Dighwara, District Saran at present Mohalla Bahadurpur, P.S. Bahadurpur, District Patna.

... .. Petitioner

Versus

1. M/s Hindustan Petroleum Corporation Limited, through its Chairman-cum- Managing Director, 17, Jamshedji Tata Road, Mumbai- 400020.
2. The Chairman-cum- Managing Director, Hindustan Petroleum Corporation Limited, 17 Jamshedji Tata Road, Mumbai- 400020.
3. The Deputy General Manager, Hindustan Petroleum Corporation Limited, North Central Zone, L.P.G. Division, Plot No. 1, Nehru Enclave, Gomati Nagar, Lucknow (U.P.)- 226010.
4. The Chief Regional Manager, Patna L.P.G. Regional Office, Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna- 800001.

... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Ajay Kumar Thakur  
Mr. Md.Imteyaz Ahmad, Advocates

For the Respondents : Dr. Pankaj

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date : 26-03-2021**

Heard learned counsel for the petitioner and learned counsel for the respondents. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The present petition has been filed *"for quashing the order contained in letter vide Ref. PLRO/SKJ/LPG dated 21.07.2020*



*issued by respondent no. 4, by which LPG distributorship of petitioner running in the name of Maa Devi HP Gas Agency, Ismela, Saran, has been terminated along with termination of LPG Distributorship Agreement dated 30.11.2004 entered between the petitioner and the respondent Hindustan Petroleum Corporation Limited, subsequently renewed on 30.11.2014 and on 30.11.2019; and further for a direction to the respondent Oil Corporation to reinstate the LPG distributorship of petitioner, make them operational; and direct the respondent Corporation to refer the matter for Arbitration in view of Order dated 05.12.2017 passed by this Hon'ble Court in L.P.A. No. 1162 of 2016 and L.P.A. No. 1161 of 2016, along with a direction to resume supply of LPG Cylinders, till the Arbitration Award passed by Sole Arbitrator appointed as per the law."*

3. Without going into the detailed merits of the matter and at the outset itself, learned counsel for the petitioner Mr. Ajay Kumar Thakur fairly states that the main reliefs sought herein have already been made subject matter of arbitration proceedings between the parties which is ongoing. The petitioner is seeking interim relief by way of stay of the operation of the impugned order of termination of LPG distributorship.

4. Learned counsel for the respondents is present and has been heard. It is submitted that there is ample provision for obtaining interim orders in the ongoing arbitration proceedings in



terms of Section 9 and/or Section 17 of the Arbitration and Conciliation Act, 1996.

5. Learned counsel for the petitioner does not dispute this aspect of the matter.

6. In the above circumstances and considering the pendency of the arbitration proceedings in which the reliefs sought herein are capable of being granted, this Court is not inclined to proceed on merits herein in order to avoid parallel proceedings.

7. The writ petition accordingly stands dismissed.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Vikash Jain, J)**

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| <b>AFR/NAFR</b>          | NAFR       |
| <b>CAV DATE</b>          | N.A.       |
| <b>Uploading Date</b>    | 26.03.2021 |
| <b>Transmission Date</b> | N.A.       |

