

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2660 of 2021

RAJESH KUMAR CHOWDHARY THROUGH ITS SOLE PROPRIETOR
MANTU FUEL SERVICE Son of Ram Chandra Chowdhary through its sole
proprietor M.s Mantu Fuel Center, Resident of village- Sivasingpur, P.s.-
Mohiuddin Nagar, District- Samastipur (Bihar)- 848502

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. through its Chairman-cum-Managing Director, G-9, Ali Yavar Jung Marg, Marg, Bandra (East) Mumbai
2. General Manager, Retail sales, Indian Oil Corporation Ltd, Bihar State Office, Jai Prakash Bhavan, 5th, Dak Bunglow Road, Patna-800001
3. Executive Director, Retail sales, Indian Oil Corporation Ltd, Bihar State Office, Jai Prakash Bhavan, 5th, Dak Bunglow Road, Patna-800001
4. Chief Divisional Retail sales Manager, Begusarai Divisional Office, Indian Oil Corporation Limited, Marketing Division, P.o. Barauni, District- Begusarai-851112

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate
For the Respondent/s : Mr.Ankit Katriar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2021

Petitioner has prayed for the following relief(s):

- “i. To quash the order dated 9.6.2020 vide Ref. BDO/Termination/Mantu issued under the signature of CDRSM Begusarai, D.O. whereby the respondent Corporation has terminated the dealership Agreement dated 25.03.2009 executed between the petitioner firm and the respondent Corporation with immediate effect and forfeited the security deposit of Rs. 10,000/- on account of



established malpractice which order ex-facie is arbitrary, illegal and unsustainable and wholly without jurisdiction.

- ii. For a writ of mandamus that on quashing of the said order dated 9.6.2020 the respondent Corporation may be directed to compensate the petitioners firm for illegally dismantling the petrol Pump during the pendency of legal proceeding causing irreparable loss and injury to the petitioner's firm.
- iii. For any other relief or reliefs to which the petitioner is entitled under law.”

Petitioner, by way of I.A. No. 1 of 2021 has placed on record the order dated 28.06.2021 passed by the learned members of Dispute Resolution Panel in Appeal No. DRP/IOC/RET/0006/2020, titled as M/s Mantu Fuel Centre, Hasanpur Surat, Samastipur, Bihar Vs. Indian Oil Corporation Limited (IOCL). The operative portion of the order reads as under:

“Para-31. We therefore, allow the appeal, set aside the impugned order of termination dated 09.06.2020 and direct the Respondent to reconsider the case after giving opportunity to the Appellant to present his case to the specific irregularity based on which the dealership is sought to be terminated. However, till the Respondent takes a decision, *status quo* as on date shall continue.”

Learned counsel for the petitioner states that his only objection is with regard to the last sentence of para-31 of the order whereby, while remanding the matter for consideration



afresh, the authority has directed the parties to maintain *status quo*.

It is argued that under the garb of such protective order, the authority is not taking any actions, thus jeopardizing the petitioner's interest.

Shri Ankit Katriyar, learned counsel for the State, states that the appropriate authority shall positively pass a fresh order within a period of four weeks.

Statement accepted and taken on record.

It stands clarified that, in the event of failure of the authority to do so, the operative portion of the impugned order dated 28.06.2021, to the extent it directs the parties to maintain *status quo*, shall automatically stand vacated.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2021
Transmission Date	

