

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 222 of 2021**

- Rakesh Agrawal S/o Late Shri Rajaram Agrawal Aged About 47 Years R/o A-206, Kuber Apartment, Shankar Nagar, Raipur, Distt.- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Indian Oil Corporation Limited Raipur Divisional Office Through Chief Divisional Retail Sales Manager, Raipur Divisional Office, Indian Oil Bhawan, Rajiv Gandhi Marg, Vip Road, Post Ravigram, Telibandha, Raipur, Chhattisgarh
2. Chief Divisional Retail Sales Manager Indian Oil Corporation Limited, Divisional Office, Indian Oil Bhawan, Rajiv Gandhi Marg, Vip Road, Post Ravigram, Telibandha, Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Jitendra Pali, Advocate

For Respondents : Shri Anand Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****22/01/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was granted a dealership on 21.08.2017 by the Indian Oil Corporation at Raipur-Saraipali Road, Mahasamund. It is contended that a false complaint was made by one Suraj Yadav that the petitioner is a partner in Shakti Roadways which also runs petroleum outlet and is situated at District Bharuch, Gujarat and another filling station is being run in the name of Rajaram filling station at Pratapgarh, U.P. He would further submit that in respect of Shakti Roadways the petitioner was a

partner in the earlier point of time, however, on 11.07.2014 the petitioner had resigned from the partnership i.e. before the dealership came into being and in respect of Rajaram Filling Station, it is a proprietorship firm wherein the petitioner has no nexus or connection, however, despite such explanation having been filed, a show-cause notice has been served to the petitioner. Therefore, the petitioner seeks indulgence of this Court to allow the petitioner to give a personal hearing so that the factual dispute can be settled after enquiry. He would further submit that the consequence would have a civil one which has direct nexus with the livelihood of the petitioner. Therefore, the respondents may be directed to give the hearing to the petitioner as prayed for.

3. Considering the limited prayer made, since the petitioner has made a statement that he is not a partner in Shakti Roadways or anywhere is connected with Rajaram Filling Station, in such case on that ground if the show-cause notice is served that factual dispute is required to be settled for which the petitioner, who is in hold of the facts, would be able to establish which needs personal hearing. Therefore, considering the nature of allegations, it is directed that pursuant to the show-cause notice issued to the petitioner, the respondents shall hold a due enquiry by giving personal hearing to the petitioner and after giving proper opportunity of hearing any decision shall be arrived at. Till such decision is made by the respondents, the dealership agreement of the petitioner shall not be terminated.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu