

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.475 OF 2019

KISHORI HALDANKAR AND ANR. ...PETITIONERS

Versus

HINDUSTAN PETROLEUM
CORPORATION LTD., THR. ITS CHIEF ...RESPONDENTS
REGIONAL MANAGER AND 4 ORS.

Mr. Bhargav Khandeparkar, *Advocate for the Petitioners.*

Mr. A.D. Bhobe, *Advocate for the Respondent No.1.*

Mr. P. Talaulikar holding for Mr. V.A. Lawande, *Advocate for Respondent No.2.*

Mr. Ashwin Ramani, *Advocate for the Respondent No.3.*

Mr. G. Teles, *Advocate for the Respondent No.5.*

**CORAM: M. S. SONAK &
 M. S. JAWALKAR, JJ**

DATED: 22nd September 2021

ORAL ORDER :

1. At the request of the learned counsel for the petitioners, this petition is taken up for final disposal.

2. The challenge in this petition is to the allotment of distributorship of Vasco gas service to respondent no.3 by respondent no.1.

3. There is no dispute that the term of this distributorship ends on 02.12.2021. This will, no doubt, be subject to any further renewals that may or may not be granted.

4. Mr. Khandeparkar, the learned Counsel for the petitioners, submits that the Civil Court vide judgment and decree dated 25.05.2021 in RCS No.78/2018/B has held that the petitioners are the co-owners in respect of the shop from where the distributorship is being operated by respondent no.3. He points out that there is also a similar order made by the inventory Court in respect of the godown, which is also an essential adjunct of the distributorship. Mr. Khandeparkar submits that in terms of the policy of respondent no.1, no distributorship can be granted or renewed unless the co-owners consent in writing. He submits that the petitioners have expressly refused to consent.

5. Mr. A. Ramani learned Counsel for respondent no.3 disputes the aforesaid position and submits that the guidelines of respondent no.1 and orders of the civil/inventory courts are being misinterpreted by the petitioners. He submits that the civil disputes between the parties cannot affect allotment, continuance, or renewal of the distributorship.

6. As noted earlier, the term of the current distributorship is to end on 02.12.2021. Thereafter, respondent no.3 proposes to seek a renewal. According to us, the interest of justice will be met if respondent no.1 decides the issue of renewal after taking into account the rival contentions as urged by the petitioners and respondent no.3, herein.

7. Mr. Bhobe, learned Counsel for respondent no.1 states that respondent no.1 will not be averse to affording an opportunity of hearing to both the petitioners as well as respondent no.3 before taking any final decision on the aspect of the renewal of distributorship. Mr. G. Teles and Mr. Talaulikar submit that even Respondent no5 and 2 are also having an interest in the shop and godown and therefore, even they be heard by Respondent no 1. Mr. Bhobe states that he has no objection to the adoption of this course of action.

8. Therefore, we dispose of this petition by directing respondent no.1 to afford an opportunity of hearing to all the aforesaid parties before any final decision is taken on the aspect of the renewal of distributorship. The respondent no.1 to complete this process of hearing the parties before the date of expiry of the current term of the distributorship, so that there is no interruption if the same can be avoided.

9. All contentions of all parties are expressly kept open to be considered by respondent no.1 on their own merits and in accord with the law.

10. This petition is disposed of in the aforesaid terms. No costs.

11. All concerned to act based on an authenticated copy of this order.

M. S. JAWALKAR, J.

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M. S. SONAK, J.