

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 661 OF 2021

M/s. Chaudhari Petroleum

-- Petitioner

vs.

Union of India and others

--Respondents

Mr. S. G. Shinde Advocate h/f. Mr.Gajanan Shinde,
Advocate for Petitioner.

Ms. Sushma, Advocate for Respondent No.1.

CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.

DATE : 23 FEBRUARY 2021

P. C. :

The Petitioner is given a dealership to run a petrol pump by Respondent No.2 Hindustan Petroleum Corporation Ltd. The Petitioner is challenging the show-cause notices issued by the Respondent No.2 on 8 May 2020 and 23 December 2020. The show-cause notices have been issued in the light of the dispute raised by the Respondent No.3 – mother-in-law of the Petitioner regarding the entitlement of the Petitioner.

2. The Petitioner entered into a dealership agreement on 23 April 2019. The Respondent No.3 had contested the said grant of dealership. The Petitioner had applied for heirship certificate, which was challenged by Respondent No.3 and the heirship certificate was set aside.

3. The Petitioner filed First Appeal in this Court along with application for condonation of delay, which was also rejected. While rejecting the application for condonation of delay, it was observed that an application can be made by joining necessary parties.

4. It is the contention of the Petitioner that the Petitioner has filed the application after joining the necessary parties which is pending and therefore, no action be taken against the Petitioner.

5. As on today, admittedly there is no heirship certificate in favour of the Petitioner. The challenge of the Petitioner for revocation has failed. If that is a ground of issuing show-cause notices, the action of Respondents cannot be faulted.

6. The learned counsel for the Petitioners states that the Petitioner will apply to the learned Civil Judge Senior Division, Buldana, where the Civil Miscellaneous Application No.16 of 2021 is pending for early disposal. It is always open to the Petitioner to do so.

7. The learned counsel for the Petitioner states that he will move appropriate representation to Respondent No.2. Since the proceedings are at the stage of show-cause, it is not necessary to conclude further on the issue.

8. Writ Petition is accordingly disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]