

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.26115 of 2015 &
M.P.No.1 of 2015

M.Sathyamoorthy

... Petitioner

Vs

1.Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, 4 & 6 Currimbhoy Road,
Ballard Estate, P.B.No.688,
Mumbai - 400 001.

2.The Regional Manager, LPG,
Bharat Petroleum Corporation Ltd.,
Ranganathan Garden, Anna Nagar,
Chennai.

3.Territory Manager,
LPG, Coimbatore LPG Plant,
M/s. Bharat Petroleum Corporation Ltd.,
Peelamedu,
Coimbatore - 643004.

4.T.N.Balakrishnan

5.T.N.Balachandran

6.T.N.Raman

7.T.N.Lakshmanan

(R4 to R7 impleaded as order
dated 09.09.2020 passed in
M.P.No.2 of 2015 in
WP.26115/15)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari calling for the records pertaining to the proceedings in CBE:LPG:2.5con dt.05.06.2015 issued by the third respondent and quash the same.

For Petitioner : Mr.R.Subramanian

For Respondents 1 to 3 : Mr.K.Ethiraj

For Respondents 4 to 7 :Mr.K.V.Sajeev Kumar

ORDER

This writ petition has been filed challenging the show cause notice dated 05.06.2015 issued by the third respondent requesting the petitioner to give an explanation with regard to the alleged violation committed by him under the dealership agreement dated 18.06.1966 entered into between the first respondent and the petitioner.

2. The petitioner was directed to give his explanation by the third respondent within fifteen days from the date of receipt of the impugned show cause notice. Instead of giving explanation to the impugned show cause notice, the petitioner has approached this Court under Article 226 of the Constitution of India by filing this writ petition.

3. It is settled law that a show cause notice can be challenged only if it has been issued without jurisdiction or without authority under law. Admittedly, the petitioner is a dealer under the first respondent Oil Corporation. Admittedly, he has entered into dealership agreement dated 18.06.1996 with the first respondent oil corporation. The impugned show cause notice has been issued by the third respondent on the ground that the petitioner has committed breach of terms and conditions of the dealership agreement dated 18.06.1996. The petitioner has been given 15 days time to submit his reply to the impugned show cause notice. However, even without sending a reply, the petitioner has approached this court by filing this writ petition.

4. In view of the settled law and in view of the fact that the third respondent is having jurisdiction and authority under law to issue the impugned show cause notice as admittedly the petitioner is a dealer with the first respondent Oil corporation having entered into a dealership agreement on 18.06.1996, this Court is of the considered view that there is no merit in this writ petition. Since the petitioner has not submitted any reply to the impugned show cause notice, he is permitted to send a reply within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent shall consider the said reply and pass final orders on merits and in accordance with law within a period of four weeks thereafter.

5. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

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To

1. Bharat Petroleum Corporation Ltd.,
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Mumbai - 400 001.

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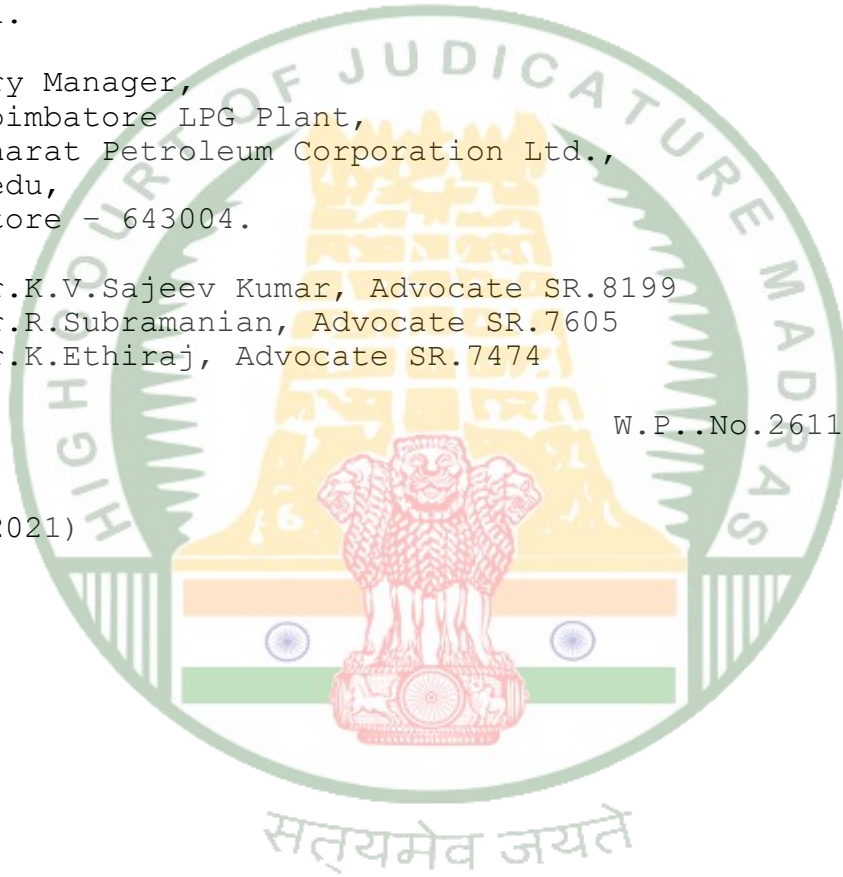
+1cc to Mr.K.V.Sajeev Kumar, Advocate SR.8199

+1cc to Mr.R.Subramanian, Advocate SR.7605

+1cc to Mr.K.Ethiraj, Advocate SR.7474

W.P..No.26115 of 2015

RV(CO)
CB(09/03/2021)



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