



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 13268 of 2021

and

W.MP. Nos.14082, 14086 & 15096 of 2021

M. Shanthi,
M/s. V.S.Vikram Fuels,
HPCL Dealer, Krishnagiri SA,
Sy No.793/6B & 793/4; NH46,
Kandikuppam Village,
B.R.G.Madepalli Tharapu,
Krishnagiri District,
Tamilnadu - 635 108.

...Petitioner

Versus

1. Union of India,
Rep. by its Secretary,
Ministry of Petroleum and Natural Gas,
New Delhi.
2. The Chairman and Managing Director,
Hindustan Petroleum Corporation Limited,
17, Jamsedji Tata Road,
Mumbai - 400 020.
3. The General Manager,
Retail RO,
Hindustan Petroleum Corporation Limited,
Petro Bhavan,
2nd Floor, New No. 82
TTK Road, Alwarpet,
Chennai - 600 018.
4. The Chief Regional Manager,
Retail RO,
Hindustan Petroleum Corporation Limited,
Level 14, GK Towers,
D.No.395/2, First Main Road,
New Fairlands,
Salem - 636 016.



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5. The Sales Officer,
COCO Outlet,
Hindustan Petroleum Corporation Limited,
Shoolagiri,
Krishnagiri.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the termination notice dated 10.06.2021 of fourth respondent and quash the same and consequently direct the respondents to restore the outlet to the petitioner with regular supply.

For Petitioner : Mr. K. Thiruvengadam
For Respondents : Mr. Gangadharan
Central Government Standing Counsel (R1)
Mr. Mohammed Fayaz Ali (R2-R4)

O R D E R

Challenging the order of termination dated 10.06.2021 issued by the fourth respondent with a consequential prayer to direct the respondents to effect regular supply of petroleum products to the outlet of the petitioner, the present writ petition is filed.

2. According to the petitioner, she is a registered retail outlet dealer with Hindustan Petroleum Corporation Limited. For running the outlet, she appointed a manager to look after the administration of the outlet. However, the Manager so appointed by her colluded with the fifth respondent, obtained new credentials for retail outlet without her knowledge by using her registered mobile number with the respondent corporation. While so, the respondent corporation has issued a show-cause notice dated 22.03.2021 citing violations in dealership agreement for which a reply dated 30.03.2021 was submitted by the petitioner. The petitioner also filed WP No. 9242 of 2021 before this Court to quash the show cause notice dated 22.03.2021. The said writ petition was disposed of on 16.04.2021 directing the Corporation to consider the reply dated 30.03.2021 of the petitioner. Thereafter, an enquiry was conducted on 28.04.2021 in which the petitioner participated and assured to produce certain documents, which she did not produce. Therefore, a reminder letter dated 06.05.2021 was issued and on receipt of which the petitioner sent a letter dated 06.05.2021 requesting the respondents to accept her explanation for the show cause notice and provide the dealership to her. While so, in order to afford another opportunity to the petitioner, she was called upon to attend an enquiry through video conference on 31.05.2021.



Thereafter, the fourth respondent, on consideration of the entire materials, passed the order of termination dated 10.06.2021 which is challenged by the petitioner in this writ petition for the relief stated above.

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3. When the writ petition is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is inclined to go before the arbitrator by invoking the arbitration clause contained in the agreement entered into between the petitioner and the respondents corporation and assail the order of termination dated 10.06.2021.

4. The learned counsel for the respondents corporation has no serious objection for the petitioner approaching the arbitrator to ventilate her grievance.

5. In view of the above, liberty is granted to the petitioner to invoke the arbitration clause contained in the dealership agreement she entered into with the respondents and to appoint an arbitrator to resolve the dispute between her and the Corporation. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

av/rsh

To

1. The Secretary
Union of India
Ministry of Petroleum and Natural Gas
New Delhi
2. The Chairman and Managing Director
Hindustan Petroleum Corporation Limited
17, Jamsedji Tata Road
Mumbhai - 400 020
3. The General Manager
Retail RO
Hindustan Petroleum Corporation Limited
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4. The Chief Regional Manager
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5. The Sales Officer
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Hindustan Petroleum Corporation Limited
Shoolagiri
Krishnagiri

W.P. No. 13268 of 2021

GPL(CO)
SP(20/10/2021)