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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO. 20193 OF 2021

AND

W.M.P. NO. 21456 OF 2021

M/s. Addhi Traders
Rep by its Proprietor
Mr. S. Sundaramurthy
Service Provider for COCO -
- Indian Oil Retail Outlet
Maraimal Nagar, GST Road
Thirukkachur Village
Near Singaperumal Koil
Chengalpet Taluk - 603 204

.. Petitioner

Versus

1. M/s. Indian Oil Corporation Ltd
Rep. by its Chairman
G-9, Ali Yavar Jung Marg
Bandra (East) Mumbai - 400 051
2. The General Manager
Retail Sales
Indian Oil Corporation Ltd
Chennai Divisional Office
No. 500, Teyampet
Chennai - 600 018.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to extend the period of the Service Provider Agreement for a period of 2 more years from 03.10.2021 towards COCO Retail IOICL Outlet in Maraimalai Nagar, Chengalpet



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District in pursuance to the representations made by the petitioner dated 03.02.2021 and 17.08.2021 respectively

For Petitioner : Mr.V.T.Narendiran

For Respondents : Mr.Mohammed Fayaz Ali

ORDER

Mr. Mohammed Fayaz Ali, learned Counsel takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. According to the petitioner, they have entered into a Service Provider Agreement with the respondents for COCO Retail Outlet at Maraimalai Nagar, under Chennai Division for a period of three years from 4.10.2018 to 03.10.2021. Owing to the pandemic situation and lockdown imposed across the country, he could not operate the business and had incurred huge losses. The petitioner therefore made a representation to the second respondent on 03.02.2021 followed by a reminder letter dated 17.08.2021 for extension of the abovesaid agreement particularly by pointing out the period during which he could not run the business due to the Covid-19 pandemic prevailed across the country. According to the petitioner, the said representation dated 17.08.2021 has not been considered so far. Hence, the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner submitted that the Appointment Letter issued by the respondent on 13.08.2018 specifically deals with the extension of agreement subject to satisfactory performance of the service provider. The relevant portion of the agreement reads of follows:

"You shall arrange to execute our standard Service Provider Agreement as per our format. The tenure of contract will be for a period of 3 (three) year with a provision for extending the contract by one more year subject to satisfactory performance of the service provider agreement. abide by, observe and fulfill



all the obligations as imposed under the service provider agreement"

4. By pointing out the above portion of the agreement, the learned counsel for the petitioner submitted that the performance of the petitioner during the period of contract is satisfactory and therefore also, he prayed for issuing appropriate direction to the respondents to consider the claim of the petitioner for extension of the period of contract, which expires on 03.10.2021.

5. On the above submission of the counsel for the petitioner, this Court heard the learned standing counsel appearing for the respondents.

6. Considering the nature of relief sought for in this writ petition and the facts and circumstances of the case, this court, without going into merits of the case, directs the second respondent to consider the petitioner's representation dated 03.02.2021 followed by a reminder letter dated 17.08.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the abovesaid direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1. The Chairman
M/s. Indian Oil Corporation Ltd
G-9, Ali Yavar Jung Marg
Bandra (East) Mumbai - 400 051.



2. The General Manager
Retail Sales
Indian Oil Corporation Ltd
Chennai Divisional Office
No. 500, Teyampet
Chennai - 600 018.

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+2ccs to Mr.V.T.Narendiran, Advocate, S.R.No.48662

W.P. No. 20193 of 2021

AK-II(CO)
RLP(13/10/2021)