

**218 IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

LPA-632-2021(O&M)

Date of decision: 16.11.2021

(PROCEEDINGS THROUGH VC)

Indian Oil Corporation Ltd. and another

...Appellants

Versus

Punjab Service Centre

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ashish Kapoor, Advocate for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Despite service none has put in appearance on behalf of the respondent.

Learned counsel for the appellants submits that not only the present appeal but also the cause for which the respondent-petitioner had approached this Court by filing the CWP No.3314 of 2021 has been rendered infructuous in the light of the amendment in MDG 2012 on 10.08.2021. The amendment in provision has been supplied to the Court which reads as follows:-

**MDG 2012 – Amendment in Appellate proceedings clause
No- 8.9**

8.9 Appellate proceedings:

1. In case of termination arising out of invocation of MDG, the dealer will have the right to appeal within a period of 30 days from the date of receipt of order, before the Appellate Authority, through the concerned Divisional/ Territory/ Regional office of the Oil Marketing Company (OMC). The Appellate Authority is empowered to decide the matter and the appeal shall be disposed of preferably

within 90 days from the date of filing the appeal in the Divisional/ Territory/ Regional office of the concerned OMC.

2. For all Appeals filed by the Dealer(s) on termination of their RO dealerships due to invocation of MDG, except termination in case of SC/ST dealerships, the appellate authority will be the ED (Retail) in the Head Office or any other ED level officer at the Head Office, so nominated by the Company. For all cases of termination of SC/ST dealerships, the appellate authority will be a Director other than Director (Mktg.) of the OMC.

In the light of the above amended clauses, counsel for the appellants states that the earlier requirement of pre-deposit for consideration of the appeal, has been dispensed with rather the earlier dispute redressal mechanism which was provided, has been dispensed with. New procedure has been prescribed and as per the same the appeal of the respondent-petitioner has been sent to the Executive Director (Retail) who shall shortly consider the same and decide in accordance with the provisions.

Non-appearance on behalf of the respondent is understandable in the light of the fact that the grievance of the respondent-petitioner has been taken care of and his appeal is being considered without the condition of pre-deposit which was dispensed with.

In the light of the above statement and amended provisions as reproduced above, the present appeal is disposed of as having been rendered infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 16th, 2021

ps-I

Whether speaking/reasoned

Whether reportable

(SANDEEP MOUDGIL)
JUDGE

Yes/No

Yes/No