

CWP-23602-2021

Date of Decision: 22.11.2021

M/s Shubhkarman Petroways

....Petitioner

VS

Hindustan Petroleum Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. R.K. Girdhar, Advocate
Mr. Chirag Girdhar, Advocate and
Ms. Nitika Garg, Advocate
for the petitioner

Mr. Vikas Chatrath, Advocate
for the respondents

SUDHIR MITTAL, J. (Oral)

The petitioner is aggrieved of the continued suspension of his supplies for seven months. The first show cause notice issued to him is dated 06.03.2021 and alongwith the said notice order of suspension of supplies was passed. Thereafter, multiple show cause notices have been issued and the final one is dated 13.09.2021. Replies have been filed to each and every show cause notice.

Learned senior counsel for the petitioner has relied upon Marketing Discipline Guidelines, effective from 08.01.2013, copy of which is annexed as Annexure P-2. He referred to clause 8 thereof to submits that the said guidelines have been violated by continuation of suspension for seven months period. According to the guidelines, a show cause notice must be issued within 30 days of date of inspection and a period of 10 days must be given to the dealer to submit its reply. An order must be passed within 45 days of receipt of the reply and irregularities need to be established before any action is taken. In this case, one show cause notice after another has been issued and no final order has been passed.

There is no finding on record that an irregularity has been committed. Under the circumstances, continuation of suspension order is unfair.

Notice of motion.

Mr. Vikas Chatrath, Advocate accepts notice on behalf of the respondents and waives service. He submits that date of personal hearing is tomorrow i.e. 23.11.2021 and that an appropriate order will be passed after that.

In view of the fact that a final order is liable to be passed shortly, I dispose of this writ petition with a direction to the respondents to restore the supplies of the petitioner pending till passing of a final order.

22.11.2021
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No