IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6353 of 2021

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1. M/s Gauri Petroleum, Retail Outlet of INDIAN OIL CORPORATION LTD, through its Proprietor Dr. Nitesh Kamal, At- Lalshpur, NH 57, District- Darbhanga, Bihar.
2. Dr. Nitesh Kamal Son of Late Kamla Prasad Singh Residing at Mohalla- Anawarganj, Hospital Road Laheriasarai, Police Station- Laheriasarai, District- Darbhanga.

... ... Petitioner/s

Versus

1. The Indian Oil Corporation Limited through its Chairman, G-9, Ali Yavar Jang Marg, Bandra (East), Mumbai.
2. The Executive Director and State Head, BHSO, Indian Oil Corporation Ltd. (Marketing Division), Bihar State Office, Loknayak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna.
3. The Chief Divisional Retails Sales Manager (CDRSM) Indian Oil Corporation Limited, Muzaffarpur Divisional Office, Muzaffarpur.
4. Shri Sujit Ray, Chief Manager (Vigilance), Eastern Region, Indian Oil Corporation Ltd.
5. Shri Brajesh Kumar, Assistant Manager (Retail Sales), Darbhanga, Indian Oil Corporation Ltd.
6. Shri Nishant Raj, Manager (Engg.), Divisional Office, Muzaffarpur, Indian Oil Corporation Ltd.
7. Shri Bakmiki Kumar (Technician), attached to Indian Oil Corporation Ltd.
8. Shri Pankaj Kumar (Technician), attached to Indian Oil Corporation Ltd. All through the Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd. Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv
		Mr. Satya Prakash, Adv
For the Respondent/s	:	Mr. Ankit Katriar (I.O.C.)
		Mr. Sanat Kumar Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

5 13-01-2022 This application has been taken up for online

hearing through video conference because of COVID-19 pandemic restrictions.

Following are the reliefs which the petitioner has sought:

(i) The petitioners pray for issuance of writ of certiorari seeking quashing of the order of termination dated 09.07.2020 as contained in letter of Respondent no. 3, whereby the "Dealership Agreement" executed by the petitioner no.2 as proprietor of petitioner no.1 and respondent Indian Oil Corporation Ltd. (herein after referred to as IOCL) dated 23.08.2013, stands terminated with immediate effect on allegations of irregularities so committed in breach of the MDG 2012 and in breach of the terms and conditions of dealership agreement dated 23.08.2013.

(ii) The petitioners further pray for issuance of writ of mandamus for direction to the respondent IOCL to forthwith release Rs. 10,55,501/- held in PAD and Rs. 4,00,000/- held in suspense account of the IOCL for no reasonable

reason and/or unjustified and nonest reasons. Since the money has been held by the respondent IOCL for non reasonable and inexplicable reason, the petitioner is liable to be paid an interest over the said amount from the date that it was kept by the respondents to date it is paid by them.

iii) The petitioners further pray for issuance of writ of mandamus for direction to the respondent IOCL to compensate the petitioners for the petroleum products i.e. 2870 liters of MS, 8691 liters of HSD, etc which are laying in the underground storage tank and in the showroom of the petroleum outlet which over a period of time have lost their suitability/ quality/ efficiency and cannot be used since the said products have not been allowed by the respondents to be sold/disposed otherwise.

(iv) The petitioners further pray for issuance of any other appropriate writ, order or direction which your Lordships may deem fit or proper in the facts and

circumstances of the case.

After having heard, learned senior counsel appearing on behalf of the petitioners and learned counsel representing the Indian Oil Corporation Limited (IOCL), there appears to be no dispute about the fact that the petitioners had preferred an appeal against the impugned order of termination within time. The said appeal has yet not been decided. It has been brought to our notice that the appellate authority has since been redefined.

Be that as it may, considering the facts and circumstances of the case, this application is disposed of with direction to the Appellate Authority to dispose of the appeal within a period of 90 days from the date of receipt/production of a copy of this order.

The parties shall be at liberty to decide the mode of hearing of the appeal, i.e., 'online' or 'physical'.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

SUMIT/K.K.RAO/

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