

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9420 of 2022**

M/s Baijnath Prasad & Sons, Indian Oil Retail Outlet at Jasoiya, P.O.- Aurangabad, District- Aurangabad through its Partner Anil Kumar Khemka, aged about 61 years (Male), Son of late Baijnath Prasad Khemka, Resident of New Area, Mahrajganj Road, P.O.- Aurangabad, P.S.- Aurangabad, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited through its Executive Director, Bihar State Office having its office at 5th Floor, Loknaya Jay Prakash Bhavan, Dal Bungalow Chowk, Patna.
2. The Executive Director, Bihar State Office having its office at 5th Floor, Loknaya Jay Prakash Bhavan, Dal Bungalow Chowk, Patna.
3. The General Manager (Retail Sales GM I/C.R.S), Indian Oil Corporation Ltd., Bihar State Office having its office at 5th Floor, Loknaya Jay Prakash Bhavan, Dal Bungalow Chowk, Patna.
4. The Deputy General Manager/ Divisional Retail Sales Head, Retail Sales, Indian Oil Corporation Ltd., Marketing Division, Patna Divisional Office, Patna.
5. The Senior Divisional Retail Sales Manager, Patna Divisional Office, Indian Oil Corporation Limited, Patna.
6. The Field Officer, Indian Oil Corporation Limited, Aurangabad.
7. Gilbarco Veeder Root India Pvt Ltd., having its Corporate Office at- Art Guild House, B Wing, 1st Floor Pheonix Marketcity, L.B.S. Road, Kurla West, P.S.- Kurla, Mumbai, State- Maharashtra, through its Managing Director.
8. Ajay Garg Son of not known to the petitioner, Presently posted as General Manager (Retail Sales, G.M I/C.R.S), Indian Oil Corporation Ltd., Bihar State Office having its office at 5th Floor, Loknaya Jay Prakash Bhavan, Dal Bungalow Chowk, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                   |
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| For the Petitioner/s | : | Mr. Brisketu Sharan Pandey, Advocate<br>Mr. Abhishek Kumar, Advocate<br>Mr. Madan Kumar, Advocate |
| For the Respondent/s | : | Mr. Sanat Kumar Mishra, Advocate                                                                  |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 03-08-2022**



Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i) For issuing writ/writs, order/orders including the writ of certiorari quashing the order dated 15.06.2022 (Annexure P/9) as the same is unreasoned, non-speaking and has been passed without dealing with the contentions raised by the Petitioners in his representation dated 03.03.2022 and which is primarily not in consonance with the directions issued by this Hon'ble Court in order dated 03.02.2022 passed in CWJC No. 20292 of 2021.
- ii) For issuing writ/writs, order/orders including the writ of mandamus directing the Respondent Corporation through Respondent No.3 to unseal the Dispensing Unit having S.R No.201605001186 of the petitioner Retail Outlet (RO), which has been sealed by the Respondents since 26.05.2021 even when there is no adverse report of adulteration and all the fuel samples drawn from the petitioner Retail Outlet have been found to be correct within prescribed specification upon the Lab Test/Clinical Test conducted by the Respondent Corporation.
- iii) For issuing writ of mandamus directing thereby the Respondent Oil Corporation to allow the petitioner Retail



Outlet usual resumption of business by selling MS/HSD/Branded Fuels from the respective Dispensing Unit as it used to do prior to sealing of the Dispensing Unit having S.R No.201605001186 of the petitioner Retail Outlet (RO) on 26.05.2021.

- iv) For issuing writ of mandamus directing the Respondents No.3 to 6 not to take out mother board and pulsar of the petitioner Retail Outlet unless additional wiring/external fitting is observed as taking out such mother board/pulsar kit would again result in rendering the Dispensing Unit non-functional moreover such taking out of mother board/pulsar kit is not permissible under any provisions of MDG.
- v) For holding that it is arbitrary on the part of the Respondent No.3 (Respondent No.8 who was respondent No. 3 at relevant point of time) to have allowed unsealing of Dispensing Unit (DU) of other similarly situated Retail Outlets viz. Aurangabad Service Station and Maa Saraswati Fuels, from the same District having same error in the Dispensing Unit whereas Retail Outlet of the petitioner despite being similarly placed is being treated differently as hostile discrimination by



restraining the unsealing of the Dispensing Unit of the petitioner for no justifiable reasons.

- vi) For holding that the Respondent No.8(Respondent No.8 who was respondent No. 3 at relevant point of time) for his personal grievances against the petitioner Retail Outlet and with vindictive attitude towards the petitioner has willfully deprived the petitioner from getting its Dispensing Unit unsealed whereas in same District of the petitioner the other Retail Outlets viz. Aurangabad Service Station, Maa Saraswati Fuels having same cause and which were subjected to sealing of Dispensing Unit have been allowed unsealing of their Dispensing Unit whereas out of sheer arbitrariness with smacks of bias the Dispensing Unit of the petitioner has yet not been unsealed by Respondent No.3/Respondent No.8.
- vii) For any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

Learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

The petition stands disposed of as withdrawn.



Interlocutory Application(s), if any, shall  
stand disposed of.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

Amrendra/PKP

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