

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9417 of 2022

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Shashi Abhishek Son of Alok Kumar, Resident of House No. A/6 and A/7,
Bank of India Colony, Opposite Taxila Apartment, Police Station-Shastri
Nagar, District-Patna.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Limited, through its Chairman cum Managing Director, Address-Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard Estate, P.B. No. 688, Mumbai-400001.
2. The Territory Manager, Bharat Petroleum Corporation Limited, Address-70 Feet, Bye Pass, Post Office-Pakri Via Anishabad, Police Station-Beur, District-Patna, PIN Code-800002.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the Respondent/s	:	Mr. Siddharth Prasad, Advocate
		Mr. Om Prakash Kumar, Advocate

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

Date : 26-07-2022

Heard learned counsel for the parties.

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

“(i) For issuance of an appropriate writ, order or direction commanding the respondents to decide the representation of the petitioner dated 23.05.2022 regarding the prolonged absence of one of the partner from the dealership without approval of OMC and her continued absence which entitles the petitioner for an invitation by the respondent corporation for reconstitution of dealership in-terms of the Policy Guideline for Reconstitution of Retail Outlet/SKO-



LDO Dealerships and consequently the corporation was duty bound to invite application from the petitioner i.e. the other partner by way of notice to apply for reconstitution of dealership in prescribed format.

(ii) For a writ of mandamus directing the respondent corporation to send an invitation by way of notice to the petitioner the existing partner as per prescribed format to apply for reconstitution of dealership and to execute a new Dispensing Pump and Selling Licence Agreement with the petitioner on account of prolonged absence and refuse to sign dealership agreement.

(iii) For any other relief/reliefs to which the petitioner is found entitled in the facts and circumstances of the case.”

It is contended on behalf of the petitioner that some of the partners of the firm in whose favour the dealership stands allotted have not appeared before the authorities in terms of communication dated 13th of May, 2022 (Annexure-3 Page 46) and 20th of June, 2022 (Annexure-5, Page 48).

It is further contended that there is a provision for treating the partnership as a proprietorship concerned in relation to which the petitioner has in writing approached the Territory Manager, Bharat Petroleum Corporation Limited, Patna vide communication dated 20th of June, 2022 (Annexure-7 Page 51).

It is contended that the same has yet not been decided.



After the matter was heard for some time, Shri Sanjeev Ranjan, learned counsel for the petitioner contends that petitioner shall be content if a direction is issued to Respondent No. 2, namely, the Territory Manager, Bharat Petroleum Corporation Limited, Address-70 Feet, Bye Pass, Post Office-Pakri Via Anishabad, Police Station - Beur, District-Patna, PIN Code-800002 to decide the petitioner's request dated 20th of June, 2022 (Annexure-7 Page 51) expeditiously and preferably within a period of two weeks from today.

Considering the fact that supply of essential material i.e. petrol stands disrupted, we are constrained to accept the petitioner's prayer of directing the Respondent No. 2, namely the Territory Manager, Bharat Petroleum Corporation Limited, Address-70 Feet, Bye Pass, Post Office-Pakri Via Anishabad, Police Station - Beur, District-Patna, PIN Code-800002 to expeditiously consider the petitioner's request dated 20th of June, 2022 (Annexure-7 Page 51).

Needful be positively done within two weeks.

Petitioner shall make himself available in the office of Respondent No. 2 namely the Territory Manager, Bharat Petroleum Corporation Limited, Address-70 Feet, Bye Pass, Post Office-Pakri Via Anishabad, Police Station - Beur, District-



Patna, PIN Code-800002 on 1st of August, 2022 at 10:30 A.M.

Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

Also, liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action;

It is made clear that we have not expressed any opinion on merits. All issues are left open.

Petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	28.07.2022
Transmission Date	

