

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16511 of 2022

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1. Ashish Kumar Agrawal son of Hari Prasad Agrawal, Village and P.O.- Salmari, P.S.- Azamnagar, District- Katihar, Bihar- 855113.
 2. Shiv Kumar Agarwal son of Hari Prasad Agarwal, Resident of Tungidighi Karandighi, Jujharpur, Tungidighi, Uttar Dinajpur, West Bengal- 733216.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited through its Chairman-cum-Managing Director, G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai 400051.
2. The General Manager, Indian Oil Corporation Limited (Marketing Division), Bihar State Office, Loknayak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna- 80001.
3. The Deputy General Manager, Retail Sale, Indian Oil Corporation Limited, Bihar State Office, Loknayak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna- 80001.
4. The Division Retail Sales Head, Indian Oil Corporation Limited (Marketing Division), Bihar State Office, Loknayak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna- 80001.
5. The Division Retail Sales Head, Indian Oil Corporation Limited, Begusarai Division Office.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate
For the Respondent/s	:	Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 02-12-2022



Petitioners have prayed for the following relief(s):

“(i) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the order bearing letter no. BDO/RO/Salmari/SpO/01 dated 26.04.2022 issued under the signature of the Division Retail Sales Head, Indian Oil Corporation Limited, Begusarai Division Office, by which the representation dated 02.03.2022 and supplementary representation dated 07.03.2022 for resumption/restore of the sale and supply of retail outlet in the nature of M/s Salmari Auto Service, Salmari Katihar has been rejected till the submission of land ownership documents as the same is purportedly violative of dealership selection criteria. (Annexure-15, Pg. 153).

(ii) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the letter no. BDO/RO/Salmari Auto dated 22.06.2021 issued under the signature of the Division Retail Sales Head, Indian Oil Corporation Limited, by which the sale and supply of the retail outlet dealership running in the name of M/s Salmari Auto Service, Salmari Katihar has been suspended (Annexure-9, Pg. 109).

(iii) To issue an appropriate writ, order, direction in the nature of



mandamus commanding the respondents for resumption/restore of the sale and supply of retail outlet in the name of the petitioners with immediate effect, and for consequential reliefs for the period during which the retail dealer outlet was kept under suspension commencing on 22.06.2021.

(iv) To issue an appropriate writ, order direction in the nature of mandamus commanding the respondents, to issue a specific order for reconstitution/continuation of RO Dealership in favour of the petitioners in terms of Clause G.4 of the Policy Guidelines For Reconstitution of Retail Outlet/Sko-Ldo Dealerships.

(v) To issue an appropriate writ, order direction in the nature of mandamus commanding the respondents to, if required, issue a specific order for resitement of the retail outlet, bearing khata no. 494, khesra no. 460 situated on the same road, in accordance with clause 1.2 of the Guidelines for Resitement of Retail Outlet Dealership-2019.

(iv) To any other relief/s for which the petitioners appear to be found entitled by the Hon'ble Court.”

Learned counsel for the respondents states that should the petitioners, being legal heirs of the original allottee



Late Hari Prasad Agrawal, filed an application on the Portal, the respondents shall immediately process the application in accordance with law and not later than four weeks thereafter.

Shri Y.V. Giri, learned senior counsel for the petitioners, states that during his lifetime, the original allottee, i.e. their father, had already indicated the desire of re-constitution of the concern by allotment along with him in favour of his sons. Communication dated 02.03.2022 (Annexure-14, page-136) is on record to such effect. It is further submitted that re-constitution has to be in accordance with the policy guidelines for re-constitution of the original outlet and, more specifically Clause-G.4 thereof (Annexure-18, page-157/158).

Shri Sanat Kumar Mishra states that the application shall be processed in accordance with law considering all factors as set out by the petitioner in the present petition, as also the ones which would be placed by the petitioner in support of the application(s).

Statement accepted and taken on record.

Petition is disposed of with direction to the respondents to decide the petitioners' application which they would be making, within a period of three weeks from today.



Liberty reserved to the petitioners to take recourse to such other remedies as are otherwise available in accordance with law, should the need so arise subsequently.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

