

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24400 of 2018

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Poonam Singh, Wife of Pravin Kumar, Resident of Village- Patnar, P.O.
Patner, Police Station and District- Lakhisarai.

... .. Petitioner/s

Versus

1. The General Manager, Hindustan Petroleum Corporation Limited, Loknayak Bhawan, 6th Floor, Dak Bunglow Road Chouraha, Police Station- Kotwali, District- Patna.
2. The Deputy General Manager, Hindustan Petroleum Corporation Limited , Loknayak Bhawan, 6th Floor, Dak Bunglow Road Chouraha, Police Station- Kotwali, District- Patna.
3. Sales Manager, Hindustan Petroleum Corporation Limited, Bhagalpur Region, Bhagalpur.
4. Modco Limited, 8 Suleman Chamber, 1st Floor, 4 Battery Street, Colaba, Mumbai- 400001 through its vice President, Sales and Marketing.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate
Mr. Gajendra Kumar Singh, Advocate
Mr. Sanjeev Ranjan, Advocate

For the Respondent/s : Mr.Neeraj Kumar Gupta, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2022

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

“i) For issuance of direction to the respondent authorities particularly the General Manager, Hindustan Petroleum Corporation Limited to resume



the sale of the Retail Outlet of the petitioner namely HAMARA PUMP, PATNER, Pachna Road, Patner, Lakhisarai with immediate effect.

(ii) For issuance of direction to the respondent No. 3 to start supply of diesel and petrol to the Retail Outlet of the petitioner namely HAMARA PUMP, PATNER, Pachna Road, Patner (Lakhisarai) so she can run her retail outlet.

(iii) For issuance of direction to the respondent authority to permit the petitioner to sale the remaining diesel and petrol at the time of sealing the petrol pump.

(iv) And/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

It is a matter of record, undisputedly, that the impugned order dated 28.09.2022 (Annexure-19, Page 19) annexed with I.A.No. 2/2022, was passed after affording opportunity of hearing to the petitioner and that too after a period of four years from the date of affording personal hearing.

Record reveals that the petitioner was heard in the matter on 17.09.2018, as is evident from communication dated 06.09.2018 (Annexure-18, Page 18). The order was passed after a period of four years.



As such, on this short ground, the impugned order dated 28.09.2022 (Annexure-19, Page 19) is quashed and set aside with the direction to the Respondent No. 2 , namely, The Deputy General Manager, Hindustan Petroleum Corporation Limited , Loknayak Bhawan, 6th Floor, Dak Bunglow Road Chouraha, Police Station- Kotwali, District- Patna to pass a fresh order after affording opportunity of hearing to the petitioner.

Considering the fact that the matter pertains to the year 2018, we direct the petitioner to make himself available in the office of the said Respondent No. 2 on 10.11.2022 at 10:30 A.M. when a date shall be fixed for affording opportunity of hearing to the petitioner as was so done vide communication dated 06.09.2018 (Annexure-18, Page 18) and after hearing the petitioner, pass an order assigning reasons, copy whereof shall be supplied to the petitioner.

Proceedings be positively concluded within a period of four weeks thereafter.

Petitioner undertakes to fully co-operate and not take any unnecessary adjournment in the matter .

Liberty reserved to the petitioner to assail the order, should the need so arise, in accordance with law.



Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Saurabh

AFR/NAFR	
CAV DATE	
Uploading Date	04.11.2022
Transmission Date	

