

21.03.2022
Item No. 17
Crt.No.11
b.r.

MAT 310 of 2022
with
IA No. CAN 1 of 2022

Gargi Mondal
-vs-
Indian Oil Corporation Limited & Ors.

(Via Video Conference)

Mr. Kalyan Kumar Bandyopadhyay, Sr. Adv.
Mr. Sirsanya Bandyopadhyay
Mr. Prosenjit Mukherjee
..... for the appellant.

Mr. Puspendu Chakraborty
..... for the IOCL

Mr. Samim Ahammed
Ms. Salini Bhattacharjee
Ms. Gulsanwara Parvin
Ms. Ambiya Khatoon
..... For the Respondent no.9.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

This appeal is directed against the order of the Hon'ble Single Bench dated 18th of February, 2022 in the writ petition being WPA 2124 of 2022.

The order of the Hon'ble Single Bench is brief and therefore may set forth in its entirety:-

“It appears from the submissions made on behalf all the parties that the grounds for filing the writ petition in W.P.A. 2124 of 2022 and W.P.A. 8125 of 2020 are similar.

Affidavit has already been filed in W.P.A.8125 of 2020.

Let affidavit-in-opposition be filed by the respondents in W.P.A. 2124 of 2022 within 25th February, 2022; reply, if any, be filed within 3rd March, 2022.

Let the matter appear in the list on 4th March, 2022.

The point of maintainability raised by the respondents is kept open, to be decided at the time of final hearing of the writ petition.”

Mr. Bandyopadhyay, Learned Senior Counsel appearing for the appellant/the writ petitioner submits that the direction for exchange of affidavits in the writ petition of the appellant, i.e. WPA 2124 of 2022, was without minimum reasons inasmuch as WPA 2124 of 2022 and WPA 8125 of 2020 were simply treated to be similar in type.

Mr. Bandyopadhyay submits that in view of the lack of minimum reasons affording of parity of treatment in both the writ petitions, i.e. WPA 2124 of 2022 and WPA 8125 of 2020, it was incumbent upon the Hon'ble Single Bench to also consider the prayer for interim order in the writ petition of the appellant, being WPA 2124 of 2022.

Also heard Mr. Chakraborty, Learned Counsel appearing for the Respondents/ Indian Oil Corporation Limited (*IOCL*) and Mr. Ahammed, Learned Counsel appearing for the Letter of Intent (*LOI*) holder of the LPG

Distributorship at issue in this appeal, being the Respondent no.9.

During the course of hearing, a List of Dates has been handed over on behalf of the appellant. From the List of Dates it is apparent that both WPA 2124 of 2022 and WPA 8125 of 2020 seek identical reliefs, viz. withdrawal and cancellation of the *LOI* issued in favour of the Respondent no.9.

This Court is further informed that there is an interim order of maintenance of *status quo* with regard to the *LOI* in issue granted by the Hon'ble Single Bench in WPA 8125 of 2020. This Court is thus of the view that the Hon'ble Single Bench was correct in holding that both the writ petitions, i.e. WPA 2124 of 2022 and WPA 8125 of 2020, be heard analogously after exchange of affidavits.

This Court is also of the view that in view of the analogous nature of hearing to be conducted by the Hon'ble Single Bench, the substance of the interim order in WPA 8125 of 2020 is adequately protective of the interests of the parties in WPA 2124 of 2022. Accordingly, this Court restrains itself from entering into the merits of the issue beyond the discussion as above.

The Hon'ble Single Bench is requested to hear out both the writ petitions expeditiously, subject to its Board.

MAT 310 of 2022 along with its connected application being **CAN 1 of 2022** stand thus **disposed of.**

Since Affidavits are not invited, all other allegations to the contrary are hereby denied and disputed.

All parties shall act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)