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10.05.2022
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W.P.A. 7070 of 2022
(Sachidanand Singh vs. Indian Oil Corporation & Ors.)

Mr. Bikash Ranjan Bhattacharya
Mr. Kishore Dutta
Mr. Dibyendu Chatterjee
Ms. Jhuma Chakraborty
Ms. Piyali Paul
.... For the Petitioner

Ms. Vineeta Meharia
Mr. Soumabho Ghose
Mr. Amit Meharia
Ms. Madhurima Halder
Ms. Subika Paul
.... For the Respondent Nos.1-7

The petitioner questions the legality of a speaking order dated 2nd May, 2019 passed by CGM(RS), WBSO, Indian Oil Corporation, Kolkata terminating the dealership of the petitioner for alleged violation of Clause 45(i) of the Agreement. The petitioner has been found to have submitted a forged document of financial support stated to have been purportedly issued by a Nationalised Bank.

Admittedly the dealership agreement contains an arbitration clause. The petitioner in course of the subject quasi judicial proceeding has expressed his desire to cross-examine the officials of the Indian Oil

Corporation and the official of the bank who had issued the purportedly forged letter of financial support.

In the impugned proceeding, the petitioner admittedly did not get an opportunity to lead evidence or cross-examine any of the witnesses or officials of the Indian Oil Corporation or the Bank.

The petitioner would have such opportunity had the arbitration process were to play. Given the fact, that there is a contractually chosen forum for dispute resolution, the issue as regards whether the petitioner had submitted a forged financial certificate, shall be decided in arbitration. Let an Arbitrator be appointed in terms of the procedure prescribed under the contract and/or the provisions of the Arbitration and Conciliation Act, 1996.

Admittedly there are no other grievances that the IOCL had against the petitioner under the dealership agreement for 9 years now. Therefore, the impugned order of termination of the petitioner's dealership shall not be given effect to and shall abide by the final result of the arbitration proceeding.

It is made clear that this Court has not gone into or pronounced upon the grievance of the petitioner against the respondents or vice versa. The Arbitral Tribunal shall proceed independently and decide the claims and counter claims of the parties, uninfluenced by any observations made hereinabove.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)