

07.04.2022

**ASR
10.**

MAT 999 of 2016

**Sachidanand Singh
Versus
Indian Oil Corporation & Ors.**

**Mr. Bikash Ranjan Bhattacharya
Mr. Kishore Datta
Mr. Dibyendu Chatterjee
Ms. Piyali Paul**

.....for the appellant

**Ms. Vineeta Meharia
Mr. Sounava Ghosh
Mr. Amit Meharia
Ms. Madhurima Halder
Ms. Paramita Banerjee
Ms. Subika Paul**

.....for the respondent nos. 1 to 5.

Ms. Debjani Mitra

..... for the respondent no. 6.

We have perused the adjudication order dated 2nd May, 2019 on the show-cause notice dated 23rd April, 2013. It was brought to and produced in Court in a sealed cover by the Advocate-on-record for the corporation and opened in Court on 30th March, 2022. We made a direction for service of copies of the order on the parties.

The appeal has come up for consideration today. We find from the adjudication order that the appellant has been held guilty of having violated Clause 45(i) of

the agreement and for such violation his dealership agreement is terminated.

It is submitted before us that the dealership agreement would expire by efflux of time in August, 2022.

The appellant throughout this period has been operating the subject retail outlet on the basis of the dealership agreement.

The cause of action for the writ application out of which this appeal arises was alleged invalidity of the said show-cause notice.

The show cause notice has been adjudicated upon resulting in termination of the dealership of the appellant. The appellant is also aggrieved by the order of termination. we are of the view that instead of restricting the challenge to the show cause notice, it would be proper if the entire proceeding commencing from the show-cause notice to the order of termination of the dealership is adjudged by a competent Court. Otherwise there would be a risk of multiplicity of proceeding and clash of orders. Moreover, the cause of action is complete after pronouncement of the above termination order by the respondent corporation.

In those circumstances, we dispose of this appeal by giving express liberty to the appellant to challenge the adjudication order dated 2nd May, 2019 terminating the dealership. We also liberty to the appellant to

challenge the show-cause notice if such challenge is made part of a composite challenge to the said termination order.

In that event, all points raised by the parties before us and before the learned trial court are kept open.

The appellant will be permitted to continue with the dealership, in the same way he is running the outlet for a period of one month from date ending on 6th May, 2022. Thereafter, his continuance will depend on a specific order from a competent authority or Court.

This continuance of dealership is with a view to enable the appellant to avail the aforesaid remedy.

The appeal (MAT 999 of 2016) is accordingly disposed of.

(I. P. Mukerji,J.)

(Aniruddha Roy,J)