

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.9560 of 2022

Date of Decision: May 12, 2022

Mrs Usha Saini

...Petitioner

Versus

M/S Bharat Petroleum Corporation Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

SUDHIR MITTAL, J. (Oral)

Learned counsel for the petitioner relies upon Clause 3.11 of the Marketing Discipline Guidelines, 2018 to submit that appeal lies only in cases of critical and major irregularities. The present case not being one of critical and major irregularities, the appeal is not maintainable.

The contention of learned counsel of the petitioner cannot be accepted. Paras 1 and 3 of Clause 3.11 are reproduced below:-

“1. In all cases of critical and major irregularities where orders are issued for taking action under MDG, the Distributor will have the right to appeal within a period of 30 days from the date of receipt of order to the appropriate authority who will be empowered to decide the matter. The appellate authority shall dispose off the appeal within 60 days from the date of filing of the appeal.

2. xxxx xxxx xxx

3. In the case of termination of the LPG distributor other than SC/ST category, the appellate authority will be the ED (LPG) in the Head Office of the respective OMCs. In the case of termination of SC/ST category distributorship, the appellate authority will be Director (HR) of the OMC.”

From the above, it is apparent that an appeal lies against an order passed on account of critical and major irregularities as well. This case is not one of the critical and major irregularities but is regarding termination of the distributorship and thus, para 3 would be applicable.

In view of the above, the petitioner has an equally efficacious remedy of filing appeal against the order of termination and thus, I refuse to exercise jurisdiction of this Court under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed with liberty to the petitioner to file a statutory appeal.

May 12, 2022
sarita

(SUDHIR MITTAL)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No