

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6764 of 2023

Poonam Singh Wife of Pravin Kumar, Resident of Village - Patner, Post Office- Patner, Police Station - Lakhisarai, District- Lakhisarai.

... .. Petitioner

Versus

1. The Chairman cum Managing Director Hindustan Petroleum Corporation Limited, Petroleum House, 17, Jamshedji Tata Road, Mumbai, Maharashtra, Mumbai - 400020.
2. The Chief General Manager (Retail) North Central Zone, Hindustan Petroleum Corporation Limited, Gomati Nagar, Lucknow.
3. The Deputy General Manager, (Retail) Region and Duly Constituted Attorney, Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak Jay Prakash Bhagwan, Dak Bunglow Chauraha, Patna.
4. The Sales Manager, Hindustan Petroleum Corporation Limited, Bhagalpur Region, Bhagalpur.
5. The MIDCO Ltd. 8th Suleman Chamber, 1st Floor, 4 Battery Street, Kolaba, Mumbai through its Vice President Sales and Marketing.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2023 Learned counsel for the petitioner is permitted to delete respondent no. 6 at his own risk.

Let the name of respondent no. 6 be expunged from the array of parties.

Heard learned counsel for the petitioner and learned counsel for the Hindustan Petroleum Corporation Limited (hereinafter referred to as 'Corporation').

The petitioner in this case has questioned the order dated 07.12.2022 contained in Ref. No. PTRO/AKS/HPP passed by Sri Sanjay Kumar, Deputy General Manager – Retail Region



& Duly Constituted Attorney, Hindustan Petroleum Corporation Limited, whereby the dealership of Retail Outlet of the petitioner firm running in the name and style of M/s Humara Pump, Patner, Lakhisarai has been terminated.

At the outset, Mr. Neeraj Kumar Gupta, learned counsel representing the respondents Corporation submits that the impugned order is appealable before the appropriate authority in terms of paragraph 8.9 of the Marketing Discipline Guidelines effective from 8th January, 2013.

Although learned counsel for the petitioner contests the submission of learned counsel for the respondents about the availability of alternative remedy of appeal, learned counsel for the respondents is emphatic in his submission that the appeal would lie and in case, the petitioner files an appeal within a given period of 30 days from the date of the order, the appropriate authority is bound to decide the same within 90 days from the filing of the appeal.

Learned counsel for the respondents Corporation has further submitted that under the agreement in question, there is an arbitration clause and that may be found in clause 66 of the agreement. Learned counsel submits that although clause 66 of the agreement says that the sole arbitrator would be the



Managing Director of the Corporation or some officer of the Corporation, in view of the Arbitration and Conciliation Act, 1996 (as amended up-to-date) (hereinafter referred to as 'the Act of 1996') now independent arbitrator may be appointed by a court on an application under Section 11(6) of the Act of 1996.

Be that as it may, finding that an appeal would lie against the impugned order, at this stage, this Court would not entertain this writ application. Liberty is granted to the petitioner to seek her remedy in appeal before the competent authority in terms of the Marketing Discipline Guidelines.

If an appeal is filed within 30 days from today, the same will be considered by the Appellate Authority on its own merit considering that the petitioner was seeking his remedy before this Court and that has led to filing of the appeal. The appeal must be heard and disposed of within a period of 90 days from the date of filing of the appeal.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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