

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1222 of 2017

In
Civil Writ Jurisdiction Case No.3198 of 2013

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1. Indian Oil Company Limited having its registered office at Mumbai through its Chairman-cum-Managing Director.
 2. The General Manager, Indian Oil Company Limited, Bihar State Office, Marketing Division, Eastern Region, Loknayak Bhawan, Dak Bunglow road, P.S-Kotwali, Dist-Patna.
 3. The Divisional Manager, Indian Oil Corporation Limited, Marketing Division, Muzaffarpur.
 4. The Assistant Manager (Retail Sales), Indian Oil Corporation, Darbhanga.

... .. Appellant/s

Versus

1. M/s Lakshmi Mahto Ram Chandra Prasad, Anr S/o Late Mahaveer Mahto, R/o Nariyal Bazar, Near Canara Bank, P.S.- Madhubani, Town and District- Madhubani.
2. Shiv Kumar Mahto, S/o Late Lakshmi Mahto, R/o Nariyal Bazar, Near Canara Bank, P.S.- Madhubani, Town and District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kali Das Chatterji, Sr. Advocate Mr. Amlesh Kumar Varma, Advocate
For the Respondent/s	:	Mr. Rohit Raj, Advocate Mrs. Archana Shahi, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-03-2023

The present L.P.A. is against the order of the learned Single Judge dated 19.05.2017 passed in CWJC No 3198 of 2013.

2. In the writ petition, respondent had prayed for the following reliefs:-



“(i) For issuance of a writ in the nature of certiorari for quashing of Letter dated 29.11.2012 bearing reference No.- BSO/LMRP issued by Respondent No.-2 where by the Representation filed by the petitioner for revival of the SKO/LDO agencies has been disallowed.

(ii) For issuance of a writ in the nature of Mandamus direction to the Respondents to complete all concerned formalities with respect to the reconstitution of the firm in accordance with guidelines.

(iii) For issuance of a writ in the nature of Mandamus direction to the respondents to restore the supply of products to all the five agencies consisting of four units of Kerosene oil dealership and one retail outlet of petrol pump which is lying suspended since 12.09.2007.

(iv) For any other reliefs to which the petitioner is found entitled in the facts and circumstances of the case.”

3. Writ petition was allowed, as a result, the Indian Oil Corporation Limited (IOCL) has presented this LPA.

4. During the intervening period of pendency of the litigation respondents are not interested in pursuing the relief sought by them in the writ petition. On the other hand, they have certain grievance with the Appellant-Indian Oil Corporation Limited. In this regard the respondents were stated to have



submitted representation on 07.03.2019 to the Divisional Manager, Indian Oil Corporation Limited, Marketing Division, Muzaffarpur and the subject is relating to refund of unsupplied quantity of kerosene oil against cost deposited. In this regard, the respondents were permitted to file additional representation, if any, within a period one month from the date of receipt of this order. Thereafter, the Divisional Manager, Indian Oil Corporation Limited, Marketing Division, Muzaffarpur is hereby directed to redress the grievance of the petitioner while passing a detailed speaking order within a period of three months from the date of receipt of the additional representation, if any.

5. With the above observations, the present L.P.A. stands disposed of and it is made clear that order of the learned Single Judge is not binding on the respective parties.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Daya/
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2023
Transmission Date	NA

