27.03.2023
sayandeep
Sl. No. 16
Ct. No. 05

WPA 471 of 2023

Anubhav Ghosh & Anr.
-Versus-
The Union of India & Ors.

Mr. Ranjit Kr. Jaiswal
Mr. Nandalal Pradhan
……for the petitioners
Mr. Subhadip Pramanik
…..for the UOI

Mr. Puspendu Chakraborty
…..for the respondents Nos. 2 –7

Mr. Kuldeep Mallick
Mr. Arun Kumar Upadhyay
Mr. Dyutimoy Paul
……for the respondent Nos. 8-11

The petitioners are aggrieved by an order of respondent–BPCL dated 12th December, 2022 where the petitioners' representation dated 28th June, 2022 was rejected. The petitioners claim to be family members of the existing partners of one Ambika Service Station and further claim that the petitioners infused substantial capital into the partnership firm which was running the Service Station to facilitate tiding over a difficult financial period for the firm. The petitioners, through learned counsel, claim that the existing partners being the private respondents entered into an agreement with the petitioners to give 96% shares of the partnership firm to the petitioners in exchange of the capital infused. Counsel submits that the private respondents however did not give due regard to their word and the petitioners were constrained to make a representation before the BPCL.

It appears from the submissions of learned counsel appearing for the BPCL that there is an established procedure in the form of Policy Guidelines for reconstitution of retail outlet dealership. Counsel submits that the existing partners together with the intending incoming partner would have to complete certain procedural formalities within these Guidelines.

Learned counsel appearing for the private respondents submits that the petitioners have relied on a forged and fabricated agreement and that the writ petition involves private disputes.

Upon considering the impugned order which is under challenge, this Court is unable to find any arbitrary or unsound reasons in the impugned order. The BPCL has simply set out the established procedure for induction of new partners into existing dealerships through reconstitution.

The submissions of learned counsel make it clear that the existing partners/private respondents and the petitioners have not initiated any process for induction of the petitioners or given any details of the same to BPCL. The fact that the BPCL is not aware of any agreement between the petitioners and the private respondents dated 8th November, 2015 has also been mentioned in the impugned order. BPCL has also made it clear that BPCL is not aware of any third party, namely Sisir Paul, being inducted as a partner with reference to the retail outlet.

Since it is evident that the disputes are between the petitioners and the private respondents, the BPCL cannot be put to task for bringing on record its lack of knowledge on the internal agreement, if any, between the petitioners and the private respondents. The impugned order cannot be faulted in any manner.

WPA 471 of 2023 is accordingly disposed of without interfering with the impugned order.

Needless to say, the parties before the Court shall have liberty to initiate proceedings under the Policy Guidelines placed before the Court and communicate the same to the BPCL in respect of induction of any new partner to the service outlet.

(Moushumi Bhattacharya, J.)