Ct. 05
Item No.13
08.02.2023
(Suvendu)

WPA 1198 of 2023

Yogesh Kumar Gupta
Vs.
Bharat Petroleum Corporation Ltd. & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
........for the petitioner

Mr. Sanjib Kumar Mal
Mr. Bimalendu Das
Ms. Shomrita Das
......for the respondent nos. 1-3

Mr. Aritra Basu
Mr. Ashique Mondal
Mr. Proteek Debnath
......for the respondent nos. 10 & 11

The affidavit of service is taken on record.

The facts placed before the Court show that the petitioner paid 45 lakhs to be inducted as a partner with the respondent nos. 9 and 10 for a partnership business. A partnership deed was executed on 11th November, 2014. The petitioner paid the money and the amount was appropriated by the private respondent nos. 9 and 10.

According to learned counsel appearing for the petitioner, the private respondent no. 10 however proceeded to execute a fresh partnership deed with the respondent nos. 11 and 12 which would be evident from Dispensing Pump and Selling Licence on 5th July, 2021.

The petitioner seeks to make out a case that the Oil Company is not acting in terms of Clause 10(s) of the Licence dated 5th July, 2021 in terms of an obligation not to change the constitution of the licensees. The petitioner says that the Oil Company should either cancel the licence in respect of the private respondents or have the petitioner inducted as a partner to the reconstituted licensing agreement.

It is evident that the Oil Company has not considered Clause 10(s) of the Licence. It also appears from the records that the petitioner was asked to produce the reconstituted agreement. The petitioner, however, could not produce the reconstituted agreement carrying the signatures of the private respondents.

Since the petitioner complains that the Oil Company has not considered the case of the petitioner, WPA 1198 of 2023 is disposed of with liberty to the petitioner to make out a comprehensive representation and send the same to the Oil Company within a period of one week from date. The Oil Company shall consider and dispose of the representation by way of a reasoned order within six weeks from the date on which such representation is received by the Oil Company after hearing all necessary parties including the petitioner and communicate the reasoned order to the petitioner within a week from the date on which such reasoned order is passed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(**Moushumi Bhattacharya, J.**)