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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.16503 of 2016
&
W.M.P.No.14265 of 2016

J.Boopathy ... Petitioner

Vs

1.The Executive Director,
Tamil Nadu State Office,
Indian Oil Corporation Ltd,
Marketing Division,
Southern Region,
Indian Oil Bhawan,
No.139, Mahatma Gandhi Road,
(Nungambakkam High Road),
Chennai – 600 034.
2.The Senior Divisional (Retail),
Sales Manager,
Marketing Division,
Indian Oil Corporation Ltd,
Trichy Divisional Office,
Thillai Nagar,
Trichy – 620 018. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records pertaining to the order passed in proceedings vide Ref.:TCHDO/TER2015-16 dated 29.1.2016 on the file of the second respondent and to call for the proceedings made in

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Ref.:TNSO/RETAIL/TCHDO dated 23.3.2016 on the file of the first respondent and quash the same.

For Petitioner : Mr.R.Natarajan
For Respondents : Mr.Md.Fayaz Ali

O R D E R

Heard Mr.R.Natarajan, learned counsel for the petitioner and Mr.Md.Fayaz Ali, learned counsel for the respondents.

2. The impugned order terminates the dealership of the petitioner with the Indian Oil Corporation Ltd., on account of poor sales, or rather, nil sales, for a period of 5 years since 2010. As against the aforesaid order dated 29.01.2016, the petitioner had filed an appeal before the Executive Director, Tamil Nadu State Officer of Indian Oil Corporation Ltd., which has come to be returned on 23.03.2016, on the ground that the dealership agreement did not provide for such appeal.

3. Learned counsel for the petitioner draws my attention to, and relies upon Rule 154 of Petroleum Rules, 2002. This submission is, in my considered view misconceived, insofar as Rule 154 provides for appeals as against any order refusing to grant, amend or renew a license, or canceling or suspending the same. The petitioner in the present case, though a licensee paying license

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fee under the dealership agreement, does not hold any statutory licenses that would entitle him to the benefit of the appellate hierarchy under the Rules.

4. Be that as it may, dealership agreement does provide, at clause 67 thereof, for the dealer to approach the Company for resolution of dispute or differences. Clause 67 states that dispute/differences as referred to by the dealer shall be decided by the Director (Marketing) or by a person nominated by him and learned counsel for the petitioner would reiterate this position.

5. Learned counsel for the respondent has no objection to clause 67 being resorted to. The petitioner is thus permitted to make a request setting out his grievances and such grievances shall be decided strictly in line with terms of clause 67, after hearing the petitioner, expeditiously.

6. This Writ petition is closed as above. No costs. Consequently connected miscellaneous petition is closed.

mpl **10.01.2023**

Index : Yes / No
Speaking Order/Non-Speaking Order

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Dr.ANITA SUMANTH, J.

mpl

To

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