



W.P. No.10849 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.10849 of 2022 and
W.M.P. Nos.10472 & 10473 of 2022

N.Karunakaran

... Petitioner

Vs.

1.The Secretary

Ministry of Petroleum and Natural Gas
Shastri Bhawan, New Delhi - 110 001

2.The Chairman

M/s.Bharat Petroleum Corporation Limited
Jogeshwari Petrol Supply Co. Post Office,
S.V.Road, Jogeshwari West
Mumbai, Maharashtra - 400 104

3.The General Manager

M/s.Bharat Petroleum Corporation Limited
Chennai Region, No.1, 15th Main Road
Ranganathan Garden, Anna Nagar
Chennai - 600 040

4.The Chief of Retail Sales

M/s.Bharat Petroleum Corporation Limited
Trichy Retail Territory, 1st Floor, "Raj Towers"
Near Kalaigiar Arivalayam
Karur Bye Pass Road
Tiruchirappalli - 620 002

5.S.Pari, Advocate

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus and quash the order of 4th respondent dated 08.03.2022 and direct the 2nd and 3rd respondents to constitute a fresh enquiry officer to look into the grievance of the petitioner herein by giving due intimation to the senior counsel of the petitioner.

For Petitioner : Mr.G.R.Lakshmanan

For Respondents : Mr.S.Diwakar,
Central Govt. Senior Panel Counsel
Mr.V.Ananth Nataraj, for R2 to R4
Mr.A.Muthukumar for R5

ORDER

The fourth respondent herein has appointed the fifth respondent as a dealer for its petroleum products to run its outlet at Ganapathi Agraharam in Thanjavur District. According to the petitioner, he has been writing innumerable complaints to the third respondent, but no action is being taken.

2.The fifth respondent has filed his counter.

3.Heard the learned counsel for the petitioner and he submitted that vide proceedings dated 08.03.2022, M/s.Bharat Petroleum Corporation Limited has declined to enquire into the complaint made by the petitioner and his counsel



Mr.G.R.Lakshmanan and required this court to interfere with the same.

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4.This court perused the said impugned proceedings and considers it appropriate to reproduce the same in entirety, as below:

"Mr.S.Pari, dealer, Sri Mahaganapathy agencies and Mr.N.Karunakaran along with their respective counsel introduced themselves to new territory memebres.

BPCL officials requested the complainant and his counsel to detail about the complaint they have been writing about. During the conversation, the complainant went outside to contact the senior counsel, Mr.G.R.Lakshmanan, who has been writing to BPCL on continuous basis.

BPCL officials asked the complainant, Mr.Karunakaran, as to why the senior counsel who have been writing continuously to BPCL officials has not made himself available to the meeting.

Meanwhile, Mr.G.R.Lakshmanan contacted BPCL official over telephone and informed that there has been no summons for meeting, whereas as communication has been shared to him on previous day and explained over telephone by BPCL official.

The complainant went on to explain the case in detail and the dealer Mr.S.Pari denied all the allegations and informed that they have forged his signatures.



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BPCL officials explained in detail that the dealer of BPCL is governed by only dispensing pump and selling license (DPSL) agreement and Marketing Discipline Guidelines (MDG). Any violation on these two agreements/guidelines appropriate action would be initiated against the dealer, if any substantial proof is submitted by the complainant to BPCL officials. Any violation apart from the mentioned guideline/agreement, can be taken up with appropriate forum for any action."

4.The learned counsel appearing for respondents 2 to 4 made his submissions on instructions that there appears to be some dispute between the petitioner and the 5th respondent and the petitioner has relentlessly insisting the fifth respondent to go after the petitioner, both by personally and through his counsel, Mr.G.R.Lakshmanan. But so far as the third respondent is concerned, it can proceed against the fifth respondent only if there is any violation of the terms of licence.

5.The learned counsel for the fifth respondent submitted that the fifth respondent seems to be qualified in law, but is no more practising law and he has been wrongly described as if he is a practising advocate in the cause title of



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the petition. Moving further, the learned counsel submitted that the petitioner's wife was the Panchayat President; that on petitioner's request, the fifth respondent required her to take care of petrol bunk and in the process, she swindled nearly Rs.14.0 lakhs and this led the fifth respondent preferring a police complaint against her. He also submitted there are other civil litigations pending between the parties.

6.This court understands that this litigation is one in a rippling effect of irritation elsewhere. So far as the present litigation is concerned, BPCL is directed to take only such action, which it may entitle to take within the province of the contract /licence it has issued to the fifth respondent and its job ends there.

7.So far as the petitioner is concerned, if he has got any other grievance, he has to work out his remedy as has been indicated in the very impugned order. This court considers that the writ proceeding is being unnecessarily dragged by the petitioner to settle certain scores with the fifth respondent, which this court does not intend to permit.



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8. Accordingly, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed..

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Index : Yes/No
Asr

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