



W.P.No.17125 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.17125 of 2018
and
WMP.Nos.20388 to 20390 of 2018
and WMP.No.2952 of 2019

M/s.Triloks Gas Services,
Rep. By its Proprietor Ganesh Sarin,
Old No.16, New No.20, 2nd Street,
Govindarajapuram, Adayar, Chennai-20.

... Petitioner

Vs.

1, Indian Oil Corporation Ltd
Rep. Executive Director,
TN State Office,
Marketing Division,
Southern Region, No. 139,
Mahatma Gandhi Rd,
Nungambakkam High Rd,
Chennai – 34.

2. Indian Oil Corporation Ltd.,
Rep. Chief General Manager(LPG),
Marketing Division,
Southern Region No. 139,
Mahatma Gandhi Rd,
Nungambakkam High Rd, Chennai – 34.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records in the impugned order in TNL/ S/ 409, dated 03.07.2018 passed by the 1st respondent and quash the same.

For Petitioners : Mr.N.S.Nandakumar

For Respondents : Mr.R.Ravi
Standing Counsel

ORDER

The writ petition has been filed seeking to quash the impugned order in TNL/ S/ 409, dated 03.07.2018 passed by the 1st respondent.

2. The case of the petitioner that the respondents have originally granted dealership for Adayar Area on 21.02.1972 in name of the petitioner's mother Saraswathi Triloknath as Proprietor under the name of Trilok Gas services. The petitioner entered into a partnership agreement with one Makkena Sandeepkumar vide partnership deed dated 17.04.2017. While so, the second respondent issued a show cause notice dated 01.06.2018 on the basis of a complaint dated 24.07.2017 from one Makkena Sandeepkumar for violation of partnership deed, for which, the



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petitioner has filed his explanation. However, the first respondent has passed an impugned order on the ground that the petitioner has violated the clauses 21, 23(c)(1) and 27(n) of the terms and conditions of the distribution agreement. Challenging the same, the present writ petition has been filed.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that in respect of the matter, two civil cases are pending between the parties. Hence, the learned counsel prays that this Court may direct the respondents not to give any termination letter to the petitioner till the disposal of the suit.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that though the petitioner has violated the conditions of the agreement, the present impugned order has passed. When the suits are pending before the respective courts, the respondents will take action on subject to the result of the suits.



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5. On perusal of the impugned order, it is seen that there was a civil dispute between the parties with regard to the violation of the condition in the partnership deed, for which, the petitioner as well as one Makkena Sandeep Kumar have filed suits against each other and the same is pending. However, based on the complaint, the first respondent has passed the impugned order on the ground of violation and this Court cannot be granted the prayer sought for in this petition as there is a civil dispute pending between the parties. Hence, this Court is not inclined to interfere with the impugned order.

6. Considering the facts and circumstances of the case, this Court, without interfering with the impugned order and without going into the merits of the case, passes the following orders:

(i) Interim order granted by this Court dated 10.07.2018, is extended till the disposal of the suits.

(ii) After disposal of the suits, the petitioner shall make a fresh representation to the respondents to review the impugned order, if he succeeds the suit.



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7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2023

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Index: yes / no

Internet : yes / no

Speaking / Non speaking order

To

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