



W.P. Nos.28860 and 25232 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.28860 and 25232 of 2019

1. Thiruvengkadeswara Indane Gramin Vitrak
Represented by its partner R.Thiruvengkatasamy
1/189, Madukkandurai,
Bhavanisagar,
Erode District – 638 451. ...Petitioner in W.P.No.28860 of 2019
 2. Bannariamman Indane Gas,
Represented by its partner S.Poornachandran
S.F.No.63/15, Jallikuzhi Street,
Rangasamuthiram Post,
Kovai Main Road,
Sathyamangalam. ...Petitioner in W.P.No.25232 of 2019
- Vs.
1. The Secretary to the Govt of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi – 110 011.
 2. The Under Secretary to the Govt of India
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi – 110 011.
 3. The Chairman
Indian Oil Corporation Ltd.
3079/3, Josip Broz Tito Marg,
Sadiq Nagar, Sector – 3,
New Delhi – 110 049.



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4. The Chairman and Managing Director,
Bharath Petroleum Corporation Ltd.,
Bharat Bhavan, 4 & 6 Currimbhoy Road,
Ballard Estate,
Mumbai – 400 001.

5. The Chairman & Managing Director,
Hindustan Petroleum Corporations Ltd.,
Petroleum House,
17, Jamshedji Tat road,
Mumbai – 400 020.

... Respondents in both W.P.s

Prayer in W.P.No.28860 of 2010: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to issue direction to the respondents No.3 to 5, implement the transfer of inter-company LPG connections based on the Standard Operating Procedures (SOP) dated 30.11.2018 subsequently direct the fourth respondent to transfer the connections which are exclusively come under the petitioner's core area of Mudukkandurai / Bhavanisagar to petitioner agency within time frame manner based on the petitioner's representation dated 06.06.2019 and 26.09.2019.

Prayer in W.P.No.25232 of 2010: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to issue direction to the respondents No.3 to 5, to finalize the modalities for inter-company transfer of connections based on the Standard Operating Procedures (SOP) dated 30.11.2018 subsequently direct the respondent No.4 herein to transfer the connections of Bharatgas Distributors in Sathyamangalam to petitioner agency within time frame manner based on the petitioner's representation dated 13.08.2019.



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In Both W.P.s

For Petitioners : Mr.K.V.Muthu Visakan

For R1 and R2 : Mr.J.Madanagopal Rao
Senior Panel Counsel

For R3 : Mr.Mohamed Fayaz Ali

For R4 and R5 : Mr.M.Vijayan
for M/s.King and Partridge

COMMON ORDER

Since the issue involved in the present writ petitions are one and the same they are disposed of by way of this common order.

2. It is the case of the petitioners that they are the partnership firms in the name and style of Thiruvenkadeswara Indane Gramin Vitrak and Bannariamman Indane Gas respectively and were appointed as LPG distributors at Madukkandurai / Bhavanisagar and Sathyamangalam by the third respondent. In order to avoid monopoly and to improve the service to the customers the respondents framed policy and issued norms for transfer of intra and inter-company connections to non-viable distributors and a circular to that effect was issued on 04.01.2018. Subsequently, the third, fourth and fifth respondents jointly framed guidelines dated 30.11.2018, for transfer of



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inter-company connections named as Standard Operating Procedure (in short 'SOP') and the deadline for the same was also fixed by the second respondent as 31.07.2019. However, even after the said expiry, the transfer of inter-company LPG connections based on Standard Operating Procedure, was not implemented and the petitioners have also submitted representations to that effect before the first and second respondents. Since the same was not considered, the present writ petition has been filed.

3. Learned counsel appearing for the petitioners submitted that even after the expiry of the deadline fixed by the second respondent dated 31.07.2019, no transfer of inter-company customers are effected. Hence, it would suffice if this Court issues a direction to the respondents to consider the petitioners representations and pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned Standing counsel appearing for respondents 1 and 2 submitted that already this Court in W.P.(MD).Nos.24844, 24846, 24847 & 24849 of 2019 granted interim injunction for the very same circular with regard to Standard Operating Procedure restraining the respondents therein from transferring the existing customers of the petitioners therein to new



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distributors. Hence, Standard Operating Procedure will be implemented subject to the result of the aforesaid Writ Petitions in W.P.(MD).Nos.24844, 24846, 24847 & 24849 of 2019.

5. In view of the submission made by the learned standing counsel appearing for the respondents 1 and 2, recording the submissions, this Court directs the respondents 1 and 2 to consider the petitioners' representations, seeking implementation of Standard Operating Procedure, subject to the result of the writ petitions in W.P.(MD).Nos.24844, 24846, 24847 & 24849 of 2019.

6. Accordingly, this writ petition is disposed of. No costs.

10.03.2023

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Index : Yes / No

Speaking order : Yes / No

Neutral Citation Case : Yes / No



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WEB COPY

To

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M.DHANDAPANI, J.

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