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W.P.(MD)NO.22956 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22956 of 2016

O.C.Ravi Chandran

... Petitioner

Vs.

1. The Managing Director,
Hindustan Petroleum Corporation Ltd.,
Petroleum House, 17,
Jamshedji Tata Road,
Mumbai – 400 020.

2. The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Rep. by its Senior Regional Manager,
Madurai Retail Regional Office,
1st Floor, BSNL CMTS Bhavan,
70 feet Road, Ellis Nagar,
Madurai – 625 016.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to complete the appeal proceedings initiated subsequent to the application made by the Petitioner 21.10.2016 within the time frame as stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.M.Sridhar

* * *

**ORDER**

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Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents.

2. The petitioner was a dealer appointed by the respondents corporation. The dealership agreement was terminated on 23.09.2016. Questioning the same, the petitioner filed an appeal before the first respondent. This writ petition came to be filed for directing the first respondent to expedite the appeal proceedings.

3. When the matter was taken up for hearing, the learned Standing counsel submitted that there is no appeal remedy against the termination order.

4. The learned counsel appearing for the petitioner drew my attention to Clause 66 of the dealership agreement which provides for arbitration. He also would emphasise that the termination proceedings dated 23.09.2016 terminating the dealership agreement refers to such arbitral remedy and that the petitioner had only invoked the same.



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5. If the respondents corporation failed to appoint an arbitrator, the petitioner ought to have availed remedy under Section 11 of The Arbitration and Conciliation Act 1996 by filing an appropriate petition before the jurisdictional Court. This writ petition is clearly not maintainable. This writ petition stands dismissed. No costs.

05.07.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Managing Director,
Hindustan Petroleum Corporation Ltd.,
Petroleum House, 17,
Jamshedji Tata Road,
Mumbai – 400 020.
2. The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Rep. by its Senior Regional Manager,
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4

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G.R.SWAMINATHAN,J.

PMU

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