

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

225

CWP-9629-2023

Date of Decision: 24.11.2023

M/s Shree Hari Petro Station**...Petitioner**

Versus

Indian Oil Corporation Limited**...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg, Advocate and
Mr. Nitin Sachdeva, Advocate for the petitioner

Mr. Ashish Kapoor, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of show cause notice dated 28.02.2023 (Annexure P-7) whereby petitioner was called upon to show cause as to why dealership agreement should not be terminated; and order dated 29.04.2023 (Annexure P-9) whereby dealership agreement dated 15.12.2008 (Annexure P-4) executed between the parties has been terminated by the respondent.

2. The petitioner was issued Letter of Intent on 29.03.2005 and in the same year, the petitioner commenced its operation. An agreement dated 15.12.2008 jotting down terms and conditions came to be executed between the parties. The respondent after issuing various notices issued a show cause notice dated 28.02.2023 (Annexure P-7) calling upon the petitioner to show cause as to why dealership agreement should not be terminated on account of breach of terms and conditions of the agreement. The petitioner filed its reply. The

respondent vide order dated 29.04.2023 (Annexure P-9) has terminated agreement dated 15.12.2008 executed between the parties.

3. Learned counsel for the respondent, at the outset, submits that in view of arbitration clause in the agreement, the present petition is not maintainable especially when disputed questions of facts are involved.

4. Faced with this, learned Senior Counsel for the petitioner prays that with the consent of respondents, an Arbitrator may be appointed.

5. With the consent of both sides, Justice Rajive Bhalla (Retd.) (M:- 9780008111) is hereby appointed as Arbitrator to resolve the dispute between the parties. The Arbitrator shall be entitled to fee as per schedule of the Arbitration and Conciliation Act, 1996 (for short ‘**1996 Act**’) which shall be borne by both the parties in equal share.

6. In view of the agreement, the seat of the Arbitration would be at New Delhi. Both the parties, at the first instance, are directed to appear before the Arbitrator on 11.12.2023 (Monday) at the time and place as communicated by the Arbitrator.

7. A copy of this order be sent to Justice Rajive Bhalla (Retd.), #257, Sector 10, Chandigarh.

The petition stands disposed of in aforesaid terms.

(JAGMOHAN BANSAL)
JUDGE

24.11.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>