

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8229 of 2020

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1. M/s Rita Petrol Pump through its Proprietor Gopal Kumar Jha, male, aged about 35 years, s/o late Diwakar Jha, location- Ramchandrapur, P.S.- Sarairanjan, District- Samastipur. Musapur Sarairanjan, P.S.- Ghatho, District- Samastipur.
 2. Gopal Kumar Jha s/o late Diwakar Jha r/o village- Musapur Sarairanjan, P.S.- Ghatho, District- Samastipur proprietor of M/s Rita Petro Pump.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Ltd. through the State Head, Aashiyana Tower, 1st Floor, Exhibition Road, Patna.
2. State Head, Aashiyana Tower, 1st Floor, Exhibition Road, Patna.
3. Territory Manager, Bharat Petroleum Corporation Ltd., Barauni.
4. District Education Officer, Samastipur.
5. Principal, Upgraded Middle School, Maniyarpur, Vidyapati Nagar, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan (Sr. Adv)
	:	Mr. Neeraj Kumar
	:	Mr. Abhishek Singh
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
	:	Mr. Madanjeet Kumar (Gp20)
For BPCL	:	Dr. K.N. Singh (Sr. Adv)
	:	Mr. Siddhartha Prasad
	:	Mr. Om Prakash Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 15 21-02-2024 1. Heard the parties.
2. The petitioner being aggrieved by the show cause dated 29.08.2020, by which the petitioners had to explain as to why dealership/retail outlet of petrol and diesel be not terminated on the ground of furnishing wrong information regarding his father having died while on duty in the upgraded middle school, in the district of Samastipur, approached this Court by way of the present writ application. A Co-ordinate Bench of this Court, vide order



dated 06.10.2020, granted interim order in favour of the petitioners that no coercive action shall be taken against the dealership/petitioner and further by order dated 13.01.2021, interim order was extended and it has been said that interim order, granted earlier in the meanwhile, shall continue. The Corporation recalled the first show cause notice dated 29.08.2020 and issued another show cause notice dated 07.10.2022, the reply of which was submitted by the petitioners on 28.10.2022.

3. The Corporation, after considering the reply, passed the order of termination of dealership on 09.02.2023. A Co-ordinate Bench of this Court, on 13.02.2023, considered the termination order dated 09.02.2023 and came to the conclusion that a disputed fact exposed the conduct of the authorities of the respondent/company that it has undermined the dignity and majesty of this Court by overreaching the orders dated 06.10.2020 and 07.02.2023 passed in the present case pending adjudication of the writ petition and by interfering deliberately and willfully, passed the order of termination on 09.02.2023. In Para 14 of the order, this Court has noted that no doubt that in the existing situation, the only appropriate order to make is to



direct the oil company to resist from the course they have chosen to adopt and obey the orders of this Court by recalling the order of termination dated 09.02.2023. This Court also directed the respondent/petroleum company to restore the supply of oil and petroleum product to the petitioner forthwith.

4. Learned senior counsel appearing for the Corporation submits that though the order dated 09.02.2023 has been kept in abeyance by the company during the pendency of this case, however, in view of the observation of a Co-ordinate Bench of this Court to recall the order contained in letter dated 09.02.2023, the company shall pass a fresh order after considering reply to the show cause submitted by the petitioners after recalling the order dated 09.02.2023.
5. Having considered the submission advanced by learned senior counsel appearing for the parties and the nature of controversy involved, in my opinion, the interest of justice demands that a fresh show cause be issued by the oil company explaining the allegation against the petitioners in clear words within a period of one month. After receipt of the show cause, the petitioners shall be



required to file a reply within a further period of six weeks. After receipt of the reply from the petitioner, the Head Retail East, shall pass the order, in accordance with law, after giving opportunity of hearing to the petitioners. The final order upon the show cause shall be passed by the Retail Head within a period of six weeks from the date of receipt of the show cause and appearance of the petitioners/petitioner.

6. It is made clear that no adjournment shall be granted to the petitioners and the petitioners shall file the consolidated reply to the show cause and no supplementary reply shall be taken into record by the Retail Head except in exceptional circumstances.
7. Till the final order is passed by the company, the company is restrained from interfering with the supply of the retail out in question.
8. Accordingly, the present writ application stands disposed.

(Anil Kumar Sinha, J)

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