

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3399 of 2014

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Vineet Kumar Tibrewal S/O Late Satya Narayan Prasad Resident Of P.O.-
Jhanjharpur Rs, P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. having its Registered Office at Mumbai through its Chairman-cum-Managing Director
2. The General Manager, Indian Oil Corporation, BSO, Marketing Division, Lok Nayak Bhawan, Dak Bungalow Road, P.S. Kotwali, District Patna
3. The Divisional Manager, Indian Oil Corporation, Marketing Division, Muzaffarpur
4. The Area Manager Retail Sales, Indian Oil Corporation, Darbhanga
5. Pawan Kumar , Son of Shiv Shankar Prasad @ Shiv Narayan Pd C/o A.A. Traders, Jhanjharpur (R.S.) District-Madhubani.
6. Rakesh Kumar, Son of Shiv Shankar Prasad, @ Shiv Narayan Pd. C/o A.A. Traders, Jhanjharpur (R.S., District- Madhubani.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8099 of 2014

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Prem Lata Devi W/o Sri Shiv Narayan Prasad @ Shiv Shankar Prasad resident of village- Jhanjharpur R.S. Behat, P.S.- Madhepur, District-Madhubani and partner of S.N. Prasad and Co. dealing in SKO Agencies at Jhanjharpur and Nirmali and Retail Outlet at Jhanjharpur

... .. Petitioner/s

Versus

1. M/s Indian Oil Corporation Ltd. through its Chairman cum Managing Director having its registered office at Indian Oil Bhawan, G-9, Ali Yavar Jung Marg, Bandra East, Mumbai- 400051
2. The General Manager, Indian Oil Corporation Ltd., Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Kotwali, Patna- 800001
3. Dy. General Manager Retail Sales, Indian Oil Corporation Ltd., 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna- 800001
4. Senior Divisional Retail Sales Manager SDRSM, Indian Oil Corporation Ltd., Muzaffarpur Divisional Krishna Complex, Akharaghat Road, Muzaffarpur
5. Senior Divisional Retail Sales Manager SDRSM, Indian Oil Corporation



Ltd., Begusarai Divisional Of P.O.- Barauni Oil Refinery, Begusarai

6. Vineet Kumar Tibrewal
7. Ajay Kumar Tibrewal
Sons of Late Satyanarayan Prasad resident of P.O.- Jhanjharpur RS, P.S.-
Madhepur, District- Madhubani
8. Sri Prahalad Prasad S/o Late Kishori Lal Hisaria resident of Plot no. 15,
Sanjeevaiah Nagar Colony, Tarbund, Hyderabad

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11849 of 2016

Ajay Kumar Tibrewal S/o Late Satya Narayan Prasad resident of P.O.-
Jhanjharpur RS, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. having its Registered Office at Mumbai
through its Chairman-cum-Managing Director
2. The General Manager, Indian Oil Corporation, BSO, Marketing Division,
Lok Nayak Bhawan, Dak Bunglow, P.S. Kotwali, District Patna
3. The Divisional Manager, Indian Oil Corporation, Marketing Division,
Muzaffarpur.
4. The Area Manager Retail Sales, Indian Oil Corporation, Darbhanga.
5. Prem Lata Devi W/o Late Shiv Narayan Prasad @ Shiv Shankar Prasad
resident of P.O.- Jhanjharpur RS, P.S.- Lakhnaur, District- Madhubani.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 3399 of 2014)

For the Petitioner/s : M/s Gautam Kejriwal, Advocate
Alok Kumar Jha

Mukund Kumar, Akash Kumar
Aditya Raman, Advocates

For the IOC : M/s K.D.Chatterji, Sr. Advocate
Amresh Kumar Verma
Ankit Katriar, Advocates

For Private Respondent : Mr. Neeraj Gupta, Advocate

(In Civil Writ Jurisdiction Case No. 8099 of 2014)

For the Petitioner/s : Mr. Neeraj Kumar Gupta, Advocate

For the IOC : M/s K.D.Chatterji, Sr. Advocate
Amresh Kumar Verma
Ankit Katriar, Advocates

For Private Respondent : Mrs. Priya Gupta Advocate

(In Civil Writ Jurisdiction Case No. 11849 of 2016)

For the Petitioner/s : M/s Gautam Kejriwal, Advocate
Alok Kumar Jha



For the IOC	:	Mukund Kumar, Akash Kumar Aditya Raman, Advocates M/s K.D.Chatterji, Sr. Advocate Amresh Kumar Verma Ankit Katriar, Advocates
For Private Respondent	:	Mr. Neeraj Kumar Gupta, Advocate

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 06-09-2024**

1. These three Writ petitions being interlinked and interconnected were heard together and disposed of by a common order.

2. For better appreciation of the facts of each case are being dealt separately.

Re. CWJC No. 3399 of 2024

3. By filing CWJC No. 3399 of 2014, the Writ Petitioner has challenged the minutes of meeting dated 22.07.2013, wherein the Indian oil Corporation has directed both the petitioner and the respondent Nos. 6 and 7 to resolve their dispute and come forward for reconstitution of the said SKO dealership.

4. Learned counsel for the petitioner submits that the father of the petitioner was carrying on the business of the firm, Ms. S.N. Prasad & Co. as a proprietor and only in the year 1963 certain family members were introduced as partners for which an arrangement was brought to an end in the year 1983 and the



firm again continued as proprietorship firm. It is further submitted that the respondent Indian Oil Corporation accepted the split of the firm and granted separate Consumer Code on 18.07.1988 to the firm.

5. It is urged by Learned counsel for the petitioner that the same situation continued and lastly on 03.02.2010 also an agreement was executed by the respondent Oil Company with the petitioner's father as proprietor. However, since the petitioner's father was suffering from cancer, the petitioner applied for reconstitution of the firm and before the matter could be finalized, the father of the petitioner died on 30.12.2012, whereupon the petitioner filed his representation for being allowed to continue as the proprietor in succession to his father. But, in the meantime, two of the cousins of the petitioner also entered into the fray and had sought to be included in the reconstituted firm and the respondent Oil Company in the meeting dated 22.7.2013 directed the petitioner and his cousins to resolve the differences among themselves for the purpose of reconstitution of the firm, which is totally uncalled for as the nephews of the deceased proprietor cannot claim any interest in the firm.

6. It is further submitted that Indian oil Corporation



had stopped the supply of kerosene oil, to the said dealership which was being operated by the Late father of the petitioner for last several years after being reconstituted in his name which was disputed by the respondent Nos. 6 and 7. The petitioner has approached this Court seeking a direction for reconstitution of the said dealership in his name and also for a direction to resume supply of kerosene oil. This Court vide order dated 04.04.2014 passed an interim order directing the Indian Oil Corporation to resume the supplies to the petitioner's unit. It is submitted that the order dated 04.04.2014 was challenged by the respondent Nos. 6 and 7 as well as the Indian oil Corporation before the Division Bench in Letters Patent Appeal and further in SLP before the Hon'ble Supreme Court. Finally it was directed that the Writ petition be disposed of expeditiously.

Re. CWJC No. 8099 of 2014

7. In CWJC No. 8099 of 2014 (Prem Lata Devi versus the Indian oil Corporation and others), the petitioner is the own aunt of the Vineet Kumar Tibrewal (petitioner in CWJC No. 3399 of 2014) and mother of the respondent Nos. 6 and 7 in the said Writ petition. It is submitted that the petitioner was operating the kerosene oil wholesale dealership in Nirmali in the same manner as that of the Late father of the petitioner in CWJC



No. 3399 of 2014 for last several years without any objection from the Indian oil Corporation. The supply of stock of kerosene oil to the said dealership of the petitioner was initially suspended for Nirmali, due to absence of dealership agreement. Petitioner raised an objection to the continuity of supply to the dealership in CWJC No. 3399 of 2014 for Jhanjharpur as both had exactly same status since long. But the Indian oil Corporation Ltd deemed it proper to suspend the supply of both the dealerships. Accordingly when both the parties that is the petitioner in CWJC No. 3399 of 2014 and the respondent Nos. 6 and 7 (sons of the petitioner herein) participated in the meeting before Indian oil Corporation Ltd on 22.07.2013, it appeared to the Corporation that some dispute existed between the two sides of a family and accordingly asked them to resolve the dispute and come forward with a common formula, as in terms of the records of the Corporation all the three dealership were in the nature of partnership.

8. Accordingly, petitioner being aggrieved by such action of the respondent Indian Oil Corporation approached this Hon'ble Court seeking restoration of supply of kerosene oil monthly quota as the petitioner in CWJC No. 3399 of 2014 was enjoying the supply of kerosene oil on the strength of the



interim order passed by this Court in the said Writ petition, whereas the petitioner was suffering suspension despite being similarly situated.

Re. CWJC No. 11849 of 2016

9. In CWJC No. 11849 of 2016 (Ajay Kumar Tibrewal versus the Indian Oil Corporation and others), the petitioner in this case is own brother of the petitioner in CWJC No. 3399 of 2014. It is submitted that after the demise of the father of the petitioner, the petitioner had requested the Indian Oil Corporation to execute agreement in his favour reconstituting the said dealership in his name claiming the operation of the said dealership having been done by his Late father in his proprietary capacity for last several decades.

10. The Indian oil Corporation having imbibed some controversy as regards the nature of dealership did not carry out the reconstitution exercise and called upon the petitioner to have his disputes resolved with the respondent Nos. 6 and 7 of CWJC No. 3399 of 2014 being his cousins and to get back to the Corporation with a common consensus as regards the reconstitution of dealerships in the family. It is further submitted that not only that, the Corporation also suspended supply of petroleum product to the said retail outlet of the petitioner due



to the existing controversy.

11. Accordingly, the petitioner approached this Hon'ble Court challenging the said inaction of the Indian oil Corporation and seeking necessary direction for reconstitution of dealership and restoration of supplies of stock.

12. Accordingly all the aforesaid 3 Writ petitions were tagged together for hearing and consideration of the issues.

13. Heard Learned counsel for the parties and perused the record of the cases.

14. During the pendency of the Writ petition, the Learned counsel representing the petitioner in CWJC No. 3399 of 2014 and the Learned counsel representing the respondent Nos. 6 and 7 in the said Writ petition as also the petitioner in CWJC No. 8099 of 2014 who all are the main parties to the issue took up the matter with their respective clients and have been able to resolve the dispute for the present in the following manner: -

“1. SKO dealership at Jhanjharpur the subject matter of CWJC No. 3399 of 2014 be reconstituted in favour of the petitioner Vineet Kumar Tibrewal in his exclusive proprietary capacity and the respondent Nos. 6 and 7 in the said Writ petition as well as the petitioner in CWJC No. 8099 of 2014 Prem Lata Devi [mother of respondent no. 6 and 7 in CWJC No. 3399 of 2014] have



no objection to the same.

II. SKO dealership at Nirmali the subject matter of CWJC No. 8099 of 2014 be reconstituted in favour of the petitioner Prem Lata Devi in her exclusive proprietary capacity or her sons and the petitioner in CWJC No. 3399 of 2014 and petitioner in CWJC No. 11849 of 2016 have no objection to the same.

III. Retail Outlet [Petrol Pump] dealership at Jhanjharpur being subject matter of CWJC No. 11849 of 2016 is an issue of controversy as regards claims and counter claims of petitioner in CWJC No. 11849 of 2016 [Ajay Kumar Tibrewal] and the respondent Nos. 6 and 7 in CWJC No. 3399 of 2014. The petitioner in CWJC No. 11849 of 2016 claims the said dealership to have been operated by his late Father Satyanarayan Prasad in his proprietary capacity whereas the Respondent Nos. 6 And 7 disputes it and claims the dealership to be a partnership with management of the same was to be done by Late Satyanarayan Prasad but the profit and loss was to be divided among other partners.

15. This dealership may be decided by the Indian Oil Corporation Ltd. with the help of all primary and secondary documents furnished by all the parties, records available with the Indian Oil Corporation and after awarding adequate opportunity of hearing to all the parties concerned and as per the existing guidelines/policy for reconstitution of dealership as also the relevant law.



16. The respondent Indian Oil Corporation shall complete the entire process within a period of three months from the date of receipt / production of this order and all the parties shall cooperate the respondent Indian Oil Corporation.

17. The respondents Indian Oil Corporation are directed to resume the supplies to the SKO to Nirmali dealership to be operated by the petitioner of CWJC No. 8099 of 2014. The supply of SKO to Jhanjharpur dealership in favour of the petitioner of CWJC No. 3399 of 2014 is already in operation as per interim order of this Court dated 04.04.2014, and the said order is made absolute.

18. It is made clear that the respondent Indian Oil Corporation is also represented by it's Learned Counsel in all these three cases and has no objection to this order.

19. With the aforesaid observations and directions, these three Writ petitions stand disposed of.

20. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2024
Transmission Date	NA

