

22.03.2024  
Ct. 654  
D/L 4  
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**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA 7810 of 2024**

**Yogesh Kumar Gupta  
-Vs-**

**Bharat Petroleum Corporation Limited & Ors.**

Mr. Debabrata Saha Roy,  
Mr. Pingal Bhattacharya,  
Mr. Subhankar Das,

... for the petitioner

Affidavit of service filed on behalf of the petitioner  
is taken on record.

Despite service of notice, none appears on behalf  
of the respondents.

The petitioner in the present writ petition prays in  
terms of prayer (c) of the writ petition for concluding the  
proceedings initiated against the private respondents by  
Bharat Petroleum Corporation Limited (hereinafter  
referred to as 'BPCL') for violation of clauses of the  
agreement/licence and the guidelines of the Oil  
Company.

The brief fact of the case is that private  
respondent nos. 10 and 11 are the present partners of  
*M/s. Pandey filling Station* running Retail Outlet  
Dealership business of BPCL at location Baidyabati  
Chowmatha, Hooghly. The aforesaid partnership firm

was initially entered into between one Banwari Lal Pandey (since deceased) and private respondent no. 9 Mrs. Kanti Pandey. On receipt of the letter of intent, due to paucity of fund and financial stringency, the previous partners of the said partnership firm approached the petitioner for financial assistance in running the said retail outlet dealership business. For extending such financial assistance, a deed of partnership was entered into on 11<sup>th</sup> November, 2014 between Banwari Lal Pandey (since deceased), private respondent no. 9 Mrs. Kanti Pandey and the present petitioner. By dint of the said partnership deed dated 11<sup>th</sup> November, 2014, the petitioner was entitled to get a sum of Rs. 75,000/- or 49% of the profit of the business whichever is higher within seventh day of every month. During the existence of the said partnership deed dispute cropped up between the parties. The petitioner approached this Court by filing a writ petition being WPA 1198 of 2023 (*Yogesh Kumar Gupta Vs. Bharat Petroleum Corporation Limited & Ors.*) on the ground that the Oil Company is not acting in terms of Clause 10(s) of the licence dated 5<sup>th</sup> July, 2021 in terms of an obligation not to change the constitution of the licencees. The said writ petition was disposed of on 08.02.2023 as follows:

*“Since the petitioner complains that the Oil Company has not considered the case of the petitioner, WPA 1198 of 2023 is disposed of with liberty to the petitioner to make out a comprehensive representation and sent the same to the Oil Company within a period of one week from date. The Oil Company shall consider*

*and dispose of the representation by way of a reasoned order within six weeks from the date on which such representation is received by the Oil Company after hearing all necessary parties including the petitioner and communicate the reasoned order to the petitioner within a week from the date on which such reasoned order is passed”.*

In compliance thereof, the petitioner as well as the existing partners were directed to appear before the Oil Company on 12<sup>th</sup> May, 2023. By letter dated 4<sup>th</sup> July, 2023 though it was intimated that the Oil Company has taken note of the violation of Dispensing Pump and Selling Licence (DPSL) and have initiated necessary action as per company guidelines but till date, the proceedings have not been concluded. Hence, this writ petition.

Mr. Debabrata Saha Roy, learned advocate for the petitioner submits that though the petitioner and the existing partners were called to appear in compliance with the order of this Court passed in WPA 1198 of 2023 for hearing and by letter dated 4<sup>th</sup> July, 2023, it was intimated that the Company has taken note of the alleged violation of DPSL and have initiated necessary action as per company guidelines but till date, no communication has been made regarding the conclusion of the action taken by the Oil Company. He presses prayer (c) of the writ petition for a direction upon the Oil Company to conclude the proceedings initiated against the private respondents for violation of

the clauses of the agreement/licence and guidelines of the Company.

From the materials on record, it is found that on 12<sup>th</sup> May, 2023 the petitioner and the existing representatives/partners of the partnership firm appeared before the Oil Company. Thereafter by letter dated 4<sup>th</sup> July, 2023 it was intimated that the Oil Company has taken note of the violation of Dispensing Pump and Selling Licence (DPSL) and have initiated necessary action as per company guidelines. However, till date it is informed that no communication has been made regarding conclusion of proceedings.

In the aforesaid backdrop, the Territory Manager (Retail), Kolkata, Bharat Petroleum Corporation Ltd. being the respondent no. 8 herein, is directed to conclude the aforesaid proceedings within a period of four weeks from the date of communication of this order. The respondent no. 8 is further directed to communicate result of the proceedings to the petitioner within a week from the date of conclusion of the proceedings.

Learned advocate for the petitioner is directed to communicate this order to respondent no. 8, the Territory Manager (Retail), Kolkata, Bharat Petroleum Corporation Ltd.

With the aforesaid directions, the writ petition being **WPA 7810 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

( **Bivas Pattanayak, J.**)