

Court No. 9
(265711)

WPA 22042 of 2024

02.09.2024

(A 11)

(S. Banerjee)

M/s. Veteran Company Private Limited & Anr.
Vs.
M/s. Bharat Petroleum Corporation Limited & Ors.

Mr. Abhrajit Mitra, Sr. Advocate
Ms. Manju Bhutaria
Mr. Abhishek Jain
Ms. Arundhati Barman Roy

...for the petitioners

Mr. Sanjib Kumar Mal
Mr. Bimalendu Das
Mr. Shomrik Das

...for the respondent nos. 1 and 2

Mr. Ashok Kumar Jena

...for the respondent no. 3

Mr. Saptansu Basu, Sr. Advocate
Mr. Supriyo Chattopadhyay
Ms. Dibosri Chatterjee

... for the respondent nos. 4 to 7

This writ petition is not required to be entertained.

The petitioners have already approached the civil Court for necessary orders against the respondent no. 4. The subject-matter of the suit is the construction of a petrol pump and operation thereof. It is the specific submission of the petitioners that BPCL, the respondent no. 1 herein, should be restrained by a writ of Mandamus from supplying petrol to the respondent no. 4 at the premises in respect of which the suit is pending. BPCL is a party in the suit. The land on which the respondent no. 4 proposed to construct and establish the petrol pump belonged to

the Syamaprasad Mookerjee Port, Kolkata. The said authority has also been impleaded as a respondent in the suit. It appears that by an order of injunction the civil Court restrained the respondent no. 4 from constructing the petrol pump.

In such view of the matter, the question as to whether BPCL will supply petrol, can also be raised in the suit. The petitioner did not participate in the tendering process, in which the respondent no. 4 was selected as a dealer.

Although Mr. Basu, learned Sr. Advocate appearing for respondent nos. 4 to 7, has made submissions on merits, this Court is not inclined to entertain such submission as this Court is of the view that the proper course would be for the petitioners to approach the civil Court. All the issues urged herein, may be urged in the suit and the learned civil Court will decide the issues independently and on contest.

Under such circumstances, no order is required to be passed in this matter and the matter is disposed of by relegating the petitioners to the civil Court. This order shall not influence the learned civil Court.

With the above observation, the writ petition stands disposed of.

All parties to act on a server copy of this order.

(Shampa Sarkar)

