

28.11.2024
SL No.3
Court No.24
Ali

WPA 27908 of 2024

Arun Kumar Drolia & Ors.

Versus

Indian Oil Corporation Limited & Ors.

Mr. Ram Anand Agarwala,
Ms. Nibedita Pal,
Mr. A.G. Mukherjee,
Ms. S. Ray,
Ms. N. Khatoon

.....for the petitioners.

Mr. Amit Kumar Nag,
Mr. Partha Banerjee,
Ms. Pritha Bhaumik

.....for the IOCL.

The petitioners are running a kerosene agency business under the name and style of M/s Ram Niranjana & Co. in partnership; by virtue of an agreement entered into with Indian Oil Corporation (in short "IOC") on 31st day of August, 1999.

The petitioners are required to lift kerosene from the terminal point of IOC at Rajbandh through their own arrangement and as such, the petitioners are required to provide the particular truck tanker for lifting the kerosene which will be loaded with the IOC terminal.

It is the case of the petitioners that the petitioners have performing the business by providing the required truck tanker for lifting the kerosene oil. In this particular case, one truck tanker being No. WB-67-7928 was allowed to lift the

kerosene oil from the IOC terminal lastly on 29th October, 2024. Thereafter, when the said tanker was placed by the petitioners for lifting the kerosene for the quota for the month of November; the Terminal Manager of IOC verbally refused to give load of kerosene in the said tanker containing, inter alia, that the tanker is 15 years old and had no valid documents. On such refusal, the petitioners have produced several documents and submitted a representation to the Terminal Manager on 6th of November, 2024 requesting him for loading the PDS kerosene oil by truck tanker No. WB-67-7928. His representation was not considered; hence, this writ.

Learned counsel appearing on behalf of the petitioners submits that the truck tanker being No. WB-67-7928 has received the fitness certificate, permit and other essential documents from concerned State authority to carry the SK Oil, but, the respondent authority without any reason has denied the petitioners' to lift the kerosene oil. By such the business of the petitioners has been highly hampered.

Learned counsel appearing on behalf of the respondents Indian Oil Corporation Limited, submits that admittedly, the truck tanker bearing No. WB-67-7928 is an old tanker, for more than 15 years. The authority concerned has to verify the

documents, which were placed by the petitioners. The authority requires statutorily, to verify the documents; without verification the authority cannot allow to lift the petroleum product by the said oil truck tanker as the petroleum product is hazards in nature it may cause a serious harm on the way of transportation.

He further submits that several Rules and Regulations were made so that the petroleum product may be carried through a specified tanker.

Having heard the learned counsel for the parties it appears to me that the present petitioner has placed all the relevant documents for lifting the SK Oil from the terminal of IOCL. However, it is the submission of the respondent authority that sometime is required to properly verify the documents. It appears to me that the documents were placed with the authority on the second week of November till then the verification was not done.

Considering the situations, I think it necessary that such verification should be concluded within a period of one week.

Under the above observations, the instant writ petition is disposed of.

The Terminal Manager/competent authority is directed to complete the verification of the documents as placed by the petitioner by virtue of a

representation dated 6th November, 2024 within a period of one week from date of communication of the order. On verification, if it is found that the documents are in order in accordance with the rule, the authority concerned shall allow the petitioners to lift the kerosene oil according to the provisions of the agreement.

Under the above observation, the writ petition is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)