

D/L. 1.
January 18, 2024.
MNS.

WPA No. 27108 of 2023

Mahiuddin Ahmed
Vs.
The Union of India and others

Mr. Goutam Banerjee,
Ms. Priya Dey,
Mr. Azizul Islam

... for the petitioner.

Ms. Rama Ghosh Dastidar

...for the Union of India.

Mr. Siddhartha Banerjee,
Mr. Abhisek Baran Das

...for the IOCL.

1. The petitioner seeks a reconstitution of a petroleum dealership.
2. Learned counsel appearing for the Indian Oil Corporation Limited (IOCL) submits on instruction that there is no difficulty for a temporary reconstitution, provided the petitioner furnishes a legal heir affidavit affirmed before a First Class Magistrate as well as an Indemnity Bond as required by procedure. A copy of the written instruction is kept on record.
3. Upon such documents being furnished, irrespective of the pendency of the probate

proceeding regarding the Will of the deceased father of the petitioner, who was the previous dealer, a reconstitution can be granted, subject to compliance of other formalities. However, when the Will is probated finally, there will be a further re-constitution of the dealership.

4. Heard learned counsel for the parties.
5. Accordingly, WPA No. 27108 of 2023 is disposed of by directing the IOCL to temporarily reconstitute the dealership-in-question as sought by the petitioner, subject to the petitioner submitting a legal heir affidavit affirmed before a First Class Magistrate as well as an Indemnity Bond and compliance of all further formalities by the petitioner.
6. Upon such formalities being complied with, the IOCL shall carry out the necessary procedure for having the temporary reconstitution expeditiously, preferably within three weeks thereafter.
7. However, such reconstitution shall be subject to a further reconstitution once probate of his father's Will is granted to the petitioner.
8. There will be no order as to costs.

9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)