
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12378 OF 2024

M/s. Sagar Automobile

.. Petitioner

Versus

Indian Oil Corporation Limited & Ors.

.. Respondents

UTKARSH
KAKASAHEB
BHALERAO

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UTKARSH KAKASAHEB
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Date: 2024.09.06
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**Mr.Simil Purohit, Senior Advocate a/w Rubin Vakil i/b
Rahul Karnik, Hindavi Ludbe, Advocates for the Petitioners.**

**Mr.Chirag Mody a/w Sunil Gangan, Swapnil Shikhare
i/b RMG Law Associates Advocates for Respondents.**

**CORAM :B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE : SEPTEMBER 04, 2024

P. C.

1. The above Writ Petition is filed seeking a writ of mandamus to the Appellate Authority of Respondent No.1 to grant a hearing to the Petitioner on the Appeal filed by him within such period as this Court may deem fit and proper. The other relief sought is to direct the Respondents to resume the supply of petroleum products to the Petitioner with immediate effect. The Petitioner is a Dealer of Respondent No.1 (Indian Oil Corporation Limited).

2. We find that the present Petitioner had approached this Court earlier by filing Writ Petition No.9001 of 2024 seeking to challenge the termination of the Petitioner's dealership. That Writ Petition was disposed of by this Court vide its order dated 8th July 2024 *inter alia* directing the Appellate Authority of Respondent No.1 to decide the Appeal filed by the Petitioner as expeditiously as possible and preferably within 6 weeks from the date of filing of the Appeal.

3. Mr.Purohit, the learned senior advocate appearing for the Petitioner, submitted that in the facts of the present case the Appeal was filed by 12th July 2024. Despite this, no hearing has been given and no notice has been issued to the Petitioner and the period of 6 weeks has already expired. It is in this light that the Petitioner is to constrained to approach this Court once again seeking a direction to IOCL to hear the Appeal filed by the Petitioner.

4. Mr.Mody, the learned counsel appearing on behalf of IOCL, firstly apologized to the Court for not adhering the time frame set out in the order dated 8th July 2024. He assured the Court that the Appeal of the Petitioner would be heard as expeditiously as possible, and in any event within a period of 5 weeks from today.

5. Considering the aforesaid statement, and which we accept as an undertaking given to the Court, we direct that the Appellate Authority of Respondent No.1 shall hear the Appeal filed by the Petitioner, and take a decision on the said Appeal and communicate the same to the Petitioner, on or before 9th October 2024.

6. The above Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs. Though we have disposed of the above Writ Petition, we place the same on board on 10th October 2024 for reporting compliance.

7. It is needless to clarify that we have not opined on the merits of the matter one way or the other and the Appellate Authority shall decide the Appeal filed by the Petitioner on its own merits and in accordance with law.

8. All contentions of all parties are expressly kept open to be agitated before the Appellate Authority.

9. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by
fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]