



W.P.No.15124 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15124 of 2021

Major.P.Clement Fernandez (Retd)
S.P.Indane Gas Agency,
No. 75/9, Khan Sahib Abdul Razak Road,
Cuddalore – Nellikuppam Main Road,
Nellikuppam Post, Cuddalore District,
Tamil Nadu, Pin – 607 105.

...Petitioner

-Vs-

1. Union of India Represented by its Secretary to Government of India,
Ministry of Petroleum & Natural Gas,
Shastri Bhawan, New Delhi – 110 001.
2. The Chairman,
Bharat Petroleum Corporation Limited,
Bharat Bhawan.
No. 4 and 6 Currimbhoy Road, Ballard Estate,
Mumbai – 400 001.
3. The Territory Manager,
Bharat Petroleum Corporation Limited,
LPG Territory Office,
Thanjavur LPG Filling Plant,
MGM TB Sanatorium P.O.
Sengipatti, Thanjavur – 613401.



W.P.No.15124 of 2021

4. R. Subramanian

WEB COPY

5. The Chairman,
Indian Oil Corporation Limited,
3079/03.J.B.Tito Marg.Sadique Nagar,
New Delhi – 110048.

6. The Executive Director,
Indian Oil Corporation Limited,
Indian Oil Bhawan,
No. 139, Nungambakkam High Road,
Chennai – 600 034.

7. The Chief Area Manager,
Indane Area Office,
Shastri Road Thillai Nagar,
Trichy, Tamil Nadu – 620018.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd, 3rd, 5th, 6th and 7th respondents to transfer 20,000 number of customers from the 4th respondent Radha Gas Agency to SP Indane Gas Agency by implementing the proceedings No. P-20019/56/2016-LPG passed by the 1st respondent dated 16.02.2018, by passing orders on petitioner's representation dated 12.12.2020.

For Petitioner : M/s.S.Sucharitha

For R2 & R3 : Mr.M.Vijayan
for M/s. King & Partridge

For R4 : Mr.N.P.Vijay Kumar

For R5 to R7 : Mr.Mohammed Fiyaz Ali



W.P.No.15124 of 2021

WEB COPY

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the 2nd, 3rd, 5th, 6th and 7th respondents to transfer 20,000 number of customers from the 4th respondent Radha Gas Agency to SP Indane Gas Agency by implementing the proceedings No. P-20019/56/2016-LPG passed by the 1st respondent dated 16.02.2018, by passing orders on petitioner's representation dated 12.12.2020.

2. The petitioner was granted license for running LPG gas agency as per the proceedings dated 31.01.2019. While being so, more than 20,000 customers available in Nellikuppam area are to be transferred to the petitioner's Gas Agency, due to closure of extension counter of fourth respondent Gas Agency, by Ministry of Petroleum from various other oil companies/distributors. The gas agency/distributors run by the fourth respondent was ordered to be shut down by the Ministry of Petroleum by the proceedings dated 16.02.2018. Due to which, the extension counter of the fourth respondent was closed and the customers were allotted to newly commissioned petitioner agency. The first respondent transferred



W.P.No.15124 of 2021

all the extension counters customers of the fourth respondent to the petitioner agency by its communication dated 16.02.2018. However, even till now, no orders have been passed to allot the customers of the fourth respondent agency to the petitioner agency. Therefore, the petitioner submitted a representation.

3. A perusal of the counter filed by the fourth respondent revealed that the petitioner and the fourth respondent never operated any extension counter in Nellikuppam area. The fourth respondent has a godown at Nellikuppam to enable faster delivery of LPG cylinders to nearby locations. Further, it is also approved by Bharat Petroleum Corporation.

4. A perusal of the counter filed by the 7th respondent also revealed that the LPG products were supplied to the petitioner and is running gas agency business and having about 4339 active customers. On receipt of the request made by the petitioner, it was forwarded to the third respondent, since the fourth respondent never operated any extension counter to transfer customers to the petitioner's agency.



W.P.No.15124 of 2021

WEB COPY

5. Therefore, the direction sought for in this writ petition cannot be considered and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

22.04.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
mn

To

1. The Secretary to Government of India,
Ministry of Petroleum & Natural Gas,
Shastri Bhawan, New Delhi – 110 001.
2. The Chairman,
Bharat Petroleum Corporation Limited,
Bharat Bhawan.
No. 4 and 6 Currimbhoy Road, Ballard Estate,
Mumbai – 400 001.
3. The Territory Manager,
Bharat Petroleum Corporation Limited,
LPG Territory Office,
Thanjavur LPG Filling Plant,
MGM TB Sanatorium P.O.
Sengipatti, Thanjavur – 613401.



WEB COPY



W.P.No.15124 of 2021

G.K.ILANTHIRAIYAN. J.

mn

4. The Chairman,
Indian Oil Corporation Limited,
3079/03.J.B.Tito Marg.Sadique Nagar,
New Delhi – 110048.
5. The Executive Director,
Indian Oil Corporation Limited,
Indian Oil Bhawan,
No. 139, Nungambakkam High Road,
Chennai – 600 034.
6. The Chief Area Manager,
Indane Area Office,
Shastri Road Thillai Nagar,
Trichy, Tamil Nadu – 620 018

W.P.No.15124 of 2021

22.04.2024