



WEB COPY



W.A.No.1727 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR

AND

THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

W.A.No.1727 of 2022

AND

C.M.P.Nos.12417 & 12419 of 2022

M/s.Sakthi Fuels
Indian Oil Dealer
Rep. by its Partner
Ramakrishna Road
Salem 636 007

.. Appellant

Vs.

1.The Deputy General Manager (RS)
Indian Oil Corporation Limited
Marketing Division
Salem Divisional Office
No.234, 1st Floor, NH-7
Salem Bangalore Bye-pass Road
Kondalampatti, Salem 636 010

2.The Chairman & Managing Director
Indian Oil Corporation Limited
Indian Oil Bhavan
Regd. Office G/9, Ali Yavar Jung Marg
Bandara (East), Mumbai 400 051

3.T.Palanikumar, DGM (RS)
Indian Oil Corporation Limited
Salem Divisional Office
No.234, 1st Floor, NH-7
Salem Bangalore Bye-pass Road
Kondalampatti, Salem 636 010

.. Respondents



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Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 06.04.2022 passed by the learned Single Judge in W.P.No.25601 of 2018.

For Appellant : Mr.S.Prabakar
Senior Counsel
for Mr.M.R.Jothimanian

For RR1 and R2 : Mr.Abdul Saleem
Senior Counsel
Assisted by Mr.M.Vijaya Mehanath

For R3 : No appearance

J U D G M E N T

(Delivered by S.S.SUNDAR, J.)

This writ appeal is directed against the order dated 06.04.2022 passed by the learned Single Judge in W.P.No.25601 of 2018, dismissing the writ petition filed by the appellant challenging the show cause notice dated 19.09.2018.

2. The appellant, who is a retail outlet dealer of petroleum products of the respondents Oil Corporation, was issued with a show cause notice alleging certain violations by the respondents Oil Corporation on 11.04.2018 and the appellant submitted its reply. Thereafter, another notice dated 19.09.2018 impugned in the writ petition was issued to the appellant, alleging that it has violated Regulation 8(6) of the guidelines giving a personal hearing to the



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appellant. The learned Single Judge dismissed the writ petition holding that the impugned notice was issued to the appellant for personal hearing and the appellant cannot have any grievance over the same, challenging which, this writ appeal is preferred.

3. The only contention raised by the appellant is that there is predetermination and the order impugned viz., the show cause notice suffers from *mala fides*. This Court is unable to accept this contention.

4. It is the case of the appellant that for the violations pointed out in the first show cause notice, the respondents Oil Corporation could only suspend the license for a period of 15 days. It is not in dispute that the show cause notice was issued pointing out that there was stock variation in the quantity of fuel in the tanks. Therefore, this Court finds no reason to interfere with the order of the learned Single Judge and this writ appeal stands dismissed. It is open to the appellant to raise all its contentions before the authorities. No costs. Connected C.M.P.s are closed.

[S.S.S.R.,J.] [A.D.M.C., J.]
25.10.2024

Index : Yes/No



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Neutral Citation : Yes/No
gya

S.S.SUNDAR, J.
AND
A.D.MARIA CLETE, J.

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