



W.P.No.29868 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.29868 of 2024
and W.M.P.No.32568 of 2024**

R.Mathan
Proprietor,
M/s.Mallika Indane Gas Agency,
No.38, Ramalinga Chettair Complex,
Sunguvarchathram,
Kancheepuram District.

... Petitioner

Vs.

Indian Oil Corporation Limited,
Rep.by its Chief General Manager (LPG Sales),
Marketing Division, Southern Region,
"Indian Oil Bhavan",
139, Uthamar Gandhi Salai,
Chennai-600034.

....Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the order of the respondent dated 30.09.2024 in Ref.No.TNSO/LPG/MALLIKA and quash the same.



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For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.R.Sreedhar

ORDER

This Writ Petition has been filed challenging the order passed by the respondent dated 30.09.2024 in Ref.No.TNSO/LPG/MALLIKA.

2. The case of the petitioner is that the petitioner has been appointed as LPG Distributor of the respondent Corporation for Sunguvarchathram on 09.11.2017 and there were three delivery persons working under the petitioner for delivering the cylinders. In July 2023, when two delivery persons were on the way to the godown to report to duty, they met with road accident, in which, one of them died on the spot and the other was severely injured, due to which, he could not join duty to deliver the cylinders. Thereafter, the petitioner has appointed two new delivery persons and is also giving training to the new persons for speedy delivery.



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While so, the respondent issued a Warning Letter on 07.08.2023 to the petitioner for late delivery and in pursuant to the same, the petitioner has also sent a reply stating that two delivery agents had met with accident in July 2023. However, the respondent, vide order dated 30.09.2024 in Ref.No.TNSO/LPG/MALLIKA, has suspended the distributorship of the petitioner till 12.12.2024. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that this Court, while granting interim stay on 04.10.2024, permitted the petitioner to make a representation before the respondent to revoke the impugned suspension order and the petitioner has also made a representation on 09.10.2024. However, it would suffice if this Court directs the respondent to conclude the enquiry proceedings by imposing minor penalty in terms of LPG Guidelines, 2022. Till the proceedings are concluded, interim order granted by this Court on 04.10.2024 may be continued.



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4. The learned counsel appearing for the respondent submits that the respondent has not received any representation from the petitioner so far, however, enquiry proceedings will be concluded as per the existing LPG Guidelines, 2022, as expeditiously as possible and appropriate orders will be passed. Till such time, the petitioner may be continued as LPG Distributor in the respondent Corporation.

5. Considering the submissions made by both sides, this Court, without interfering with the impugned order dated 30.09.2024, directs the petitioner to make a representation before the respondent within a period of 12 weeks from the date of receipt of a copy of this order and on receipt of the representation, the respondent is directed to consider the same and pass appropriate orders within a period of four weeks from the date of receipt of the representation as per the existing LPG Guidelines, 2022. Till such time, interim order granted by this Court on 04.10.2024 shall be continued.



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6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

29.10.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

Indian Oil Corporation Limited,
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M.DHANDAPANI, J.

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