



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.576 of 2024
& WMP.No.561 of 2024

M/s.Vetrivel Filling Station
Represented by its Proprietrix
Mrs.Chitra
Pallipat – Chittoor Road
Pallipat – 631207.

... Petitioner

Vs

1. Indian Oil Corporation Limited,
Represented by its Executive Director,
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet, Chennai – 600 018.
2. Indian Oil Corporation Limited,
Represented by its Executive Director,
and State Head
Tamilnadu State Office,
No.139, Uttamar Gandhi Salai,
Nungambakkam, Chennai-600034.
3. Indian Oil Corporation Limited,
Represented by its Executive Director,
(Retail Sales – SW)
Indian Oil Bhavan,



W.P.No.576 of 2024

G9, Aliyavar Jung Marg,
Bandra (East, Mumbai – 400051).

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... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in final order Ref.CHDO/TVL-II/MDG/Vetrivel FS dated 14-08-2023 and quash the same and consequently direct the 2nd respondent to consider the petitioner appeal dated 04-09-2023 by giving opportunity of hearing and pass orders within time frame fixed by the Hon'ble Court.

For Petitioner : Mr.R.Manibarathi
For Respondents : Mr.Mohd. Fayaz Ali
Standing Counsel

ORDER

Mr.Mohd. Fayaz Ali, learned Standing counsel accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The present Writ Petition challenges order dated 14.08.2023, in terms of which final orders have been passed for alleged breach of various terms and conditions of Petrol (MS)/High Speed Diesel (HSD) Retail Outlet Dealership Agreement dated 27.03.2014 as well as the Marketing Discipline Guidelines, 2012.



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3. The petitioner had been operating a 'B' Site Retail Outlet, under the name and style of Vetrivel Filling Station at Pallipat, Tiruvallur District as a sole proprietrix since 2014. Upon receipt of the impugned order, the petitioner has filed an appeal before R3 (wrongly mentioned as R2 in the prayer) on 04.09.2023 within the time stipulated under the relevant Regulations.

4. This Writ Petition is now been filed seeking dual prayers, for quashing of impugned order dated 14.08.2023 as well as directing the second respondent to consider the petitioner's appeal dated 04.09.2023.

5. Evidently, as against both prayers made, only one can be granted. Learned counsel for the petitioner would then request that a direction may be issued to R3 to consider and dispose appeal dated 04.09.2023. Mr.Fayaz, learned counsel for the respondents would have no objection to the alternate prayer of the petitioner as recorded aforesaid, being considered and granted.

6. Hence, mandamus is issued to R3 to consider the petitioner's appeal filed on 04.09.2023 and dispose the same within a period of four (4) weeks from today in line with the principles of natural justice and all applicable Regulations, after hearing the petitioner.



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Dr.ANITA SUMANTH,J.

WEB COPY 7. This writ Petition is disposed as above. No costs. Connected

Miscellaneous Petition is closed.

11.01.2024

Index : Yes / No

Speaking order/

Neutral citations:Yes/

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To

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