

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-704-2024**

**Date of decision: 12.03.2024**

M/s M.P Oil Carriers Transport Carriers and Commission Agents  
....Petitioner

Versus

Hindustan Petroleum Corporation Limited and another  
....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Vivek K. Thakur, Advocate,  
for the petitioner.

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**ARUN PALLI, J.** (Oral)

The petitioner has prayed for the following substantive relief:-

*“Civil Writ Petition under Article 226 of the Constitution of India, praying for issuance of an appropriate Writ, Order or Direction, especially a Writ in the nature of certiorari for setting aside an unreasonable, unfair, unjust and illegal order dated 06.12.2023 (Annexure P 18) passed by Respondent No.2, whereby the Respondent has Blacklisted the Truck Tanker No.PB08BN9737 of Petition and had imposed the penalty of Rs.3 Lacs as well as the order dated 08.12.2023 (Annexure P-19) passed by Respondent No.2, whereby the Transport Agreement dated 01.01.2018 had been terminated by the Respondent No.2 in a totally mechanical, highhanded and bureaucratic manner.”*

Served with the advance copy of the petition, Mr. Raman Sharma, Advocate, for the respondents, is present in Court. At the outset, he submits that in context of the limited issue/dispute, that is sought to be raised in this petition, the petitioner ought to have invoked Clause 18 (Arbitration) of the Bulk Petroleum Products Road Transport Agreement, dated 01.01.2018 (P-1), in the first instance, for conclusive and effective adjudication of the rights and obligations of the parties. He fairly submits that in the event, any formal application/claim is made by the petitioner in this regard, the competent authority shall take cognizance thereof. And pass necessary orders, in accordance with law, as expeditiously as possible.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by him, to enable the petitioner to invoke the clause, referred to above.

Accordingly, in the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is disposed of.

**(ARUN PALLI)**  
**JUDGE**

**(VIKRAM AGGARWAL)**  
**JUDGE**

**12.03.2024**  
Ak Sharma

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|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |