

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

101

CWP-8835-2021
Date of Decision : 20.04.2024

M/S RANA FILLING STATION, HPCL, PETROL PUMP

... PETITIONER

Versus

UNION OF INDIA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Mrigank Sharma, Advocate
for the petitioner.

Mr. Raman Sharma, Advocate
for respondents No.2 and 3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 27.07.2019 (Annexure P-2) passed by Dispute Resolution Panel whereby order of termination dated 03.08.2015 passed by respondent-Corporation has been upheld.

2. The petitioner and respondent-Corporation entered into a dealership agreement dated 31.01.2011. The validity period of said agreement was 10 years. The said agreement could be extended for a further period of 05 years. The respondent terminated said dealership agreement on 03.08.2015. Period of 10 years from the date of execution of dealership agreement expired on

30.01.2021. The respondent-Corporation has not extended validity period of said agreement. The petitioner is assailing validity of termination order, however, the validity period of said agreement has expired, thus, challenge to impugned order has rendered infructuous.

3. Faced with this, counsel for the petitioner submits that he has lost opportunity to earn because of impugned order and he had invested a huge amount for the installation of petrol pump.

4. The petitioner has remedy to approach Arbitrator because there is specific arbitration clause in the agreement itself. This Court does not find it appropriate to determine claim of loss of petitioner while exercising its writ jurisdiction especially when alternative remedy of arbitration is available.

5. Without commenting upon the merits of the case, the petition stands disposed of with liberty to the petitioner to avail remedy of arbitration as provided in the dealership agreement.

(JAGMOHAN BANSAL)
JUDGE

20.04.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>