

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

102

**2024:PHHC:049699  
CWP No. 8204 of 2024  
Date of Decision:15.04.2024**

**M/s Chauhan Filling Station**

**....Petitioner**

VS.

**Indian Oil Corporation Limited and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Manuj Nagrath, Advocate  
for the petitioner

Mr. Ashish Kapoor, Advocate

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.02.2022 (Annexure P-21) whereby respondent-Indian Oil Corporation Limited (in short "IOCL") has terminated dealership agreement dated 31.01.2007.

2. On being confronted, Mr. Manuj Nagrath, Advocate conceded that impugned order is an appealable order. He submits that on the earlier occasion petitioner filed CWP No. 6555 of 2021 assailing show cause notice. During the pendency of said writ petition, impugned order came to be passed. An application seeking recalling of order of dismissal dated 24.02.2022 (Annexure P-19) of writ petition was filed which came to be disposed of vide order dated 02.02.2024 (Annexure P-24) with liberty to file

fresh writ petition assailing order of termination, thus, present petition has been filed before this Court.

3. Mr. Ashish Kapoor, Advocate, who on advance notice is present in Court, submits that petitioner had remedy of appeal before Appellate Authority, however, he preferred to file application seeking recalling of order dated 24.02.2022 before this Court. He should have filed appeal before Appellate Authority. In the absence of availing remedy of appeal, he cannot avail remedy of writ petition.

4. Without commenting upon merits of the case, the instant petition is hereby disposed of with liberty to petitioner to prefer an appeal before Appellate Authority. If petitioner files appeal alongwith application seeking condonation of delay within two weeks from today before Appellate Authority, it would sympathetically consider application seeking condonation of delay and keep in mind that petitioner had filed writ petition and thereafter application seeking recalling of order dated 24.02.2022 before this Court. The Appellate Authority shall decide appeal expeditiously and preferably within three months from the date of filing of appeal.

(JAGMOHAN BANSAL)

JUDGE

15.04.2024

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