

2024:PHHC:062925

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

105

CWP-10526-2024

Date of decision: 07.05.2024

JAWAHAR LAL

....PETITIONER

Vs.

HINDUSTAN PETROLEUM CORPORATION LTD AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lajpat Sharma, Advocate for
Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for respondent Nos. 1 to 3.

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 18.03.2023 (Annexure P-20) whereby respondent No. 3 has terminated dealership agreement dated 28.05.2004 (Annexure P-2) in respect of M/s Arihant Filling Station.

2. The respondent-HPCL entered into an agreement dated 28.05.2004 with respect to allotment of retail outlet. The respondent No. 4 set up petrol pump in the name and style of M/s Arihant Filling Station. There is dispute between respondent Nos. 4 and 5 with respect to sale/transfer of land where petrol pump was set up. There is further dispute between respondent Nos. 4 and 5 with respect to change of constitution of the business entity. The petitioner is claiming that respondent No. 4 had entered into partnership with him and an application was filed with HPCL to reconstitute the entity. The respondent-HPCL in place of recognizing the existence of petitioner has terminated the dealership agreement.

3. From the perusal of record, it is evident that there is dispute between respondent Nos. 4 and 5 as well as between petitioner and other respondents. The petitioner as well as respondent Nos. 4 and 5 are claiming ownership over the petrol pump. Respondent No. 1-HPCL had entered into an agreement with respondent No. 4 and never approved agreement entered between respondent Nos. 4 and 5 or between petitioner and respondent No. 4. These all questions are disputed questions of fact which can be adjudicated after examining evidence led by all the parties. This Court, while exercising its writ jurisdiction cannot take evidence and thereafter return findings on those evidence. The appropriate remedy is to approach the Civil Court.

4. Dismissed with liberty to avail remedy as permissible by law.

07.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No