



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CWP-30841-2018 (O&M)
Date of decision: 30.08.2024

M/s Resham Gas Service

...Petitioner

VERSUS

Bharat Petroleum Corporation Limited and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Monika Thakur, Advocate for
Mr. Vaibhav Narang, Advocate for the petitioner.
Mr. Raman Sharma, Advocate for the respondent-BPCL.

VINOD S. BHARDWAJ, J. (Oral)

1. The petitioner has approached this Court challenging the order dated 25.09.2018 (Annexure P-19) whereby the request of the petitioner for demarcation of trading area had been declined. A further prayer is made for directing respondent No.1 to demarcate the trading area of the petitioner in accordance with the guidelines of the Oil Coordination Committee dated 14.02.2000.

2. Learned counsel for the petitioner contends that vide impugned order/communication dated 25.09.2018, respondent-Bharat Petroleum Corporation Limited had declined the claimed of the petitioner by referring to the sales figures and on noticing that the viable business opportunity and ceiling limit has already been crossed by the petitioner and that there was no infeasible right of the petitioner to seek distribution rights in any locality and the viability of distribution network is the prerogative of the Oil Companies.



208

CWP-30841-2018 (O&M)

3. Learned counsel appearing on behalf of respondent- Bharat Petroleum Corporation Limited contends that the petitioner had also approached this Court for seeking Arbitration and that vide order dated 19.01.2018 passed in Arbitration Case No.255 of 2017 and CWP-1975-2017, a sole Arbitrator had been appointed. CM-2233-CII-2018 was moved on behalf of the petitioner in the above case for recalling of the order dated 19.01.2018 but the same was dismissed vide order dated 10.05.2024. He contends that since the issue has now been referred to sole Arbitrator, hence, the present writ petition in the given form would not be maintainable. Further, he also places reliance on the order dated **09.02.2016** passed in **CWP-11032-2024** titled as **M/s H.S. Gas Service and others Vs. UOI and others** to contends that a Distributor cannot claim any right over a trading area.

4. Without commenting on the *inter se* merits of the case and noticing that an Arbitrator has already been appointed between the parties to adjudicate the issue espoused before this Court and also to examine the entitlement and compensation, if any, to the petitioner on account of appointment of any other LPG Distributor for the area, I find that there is no further cause for adjudicating the present writ petition.

5. The present writ petition is accordingly **disposed of** at this stage with liberty to the petitioner to raise all these issues in the arbitration proceedings that has ensued amongst the parties.

(VINOD S. BHARDWAJ)
JUDGE

30.08.2024

Mangal Singh

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