



CWP-34229-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(124)

CWP-34229-2024

Date of decision:18.12.2024

MAHINDER SINGH

...PETITIONER

VS.

BHARAT PETROLEUM CORPORATION LIMITED AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Dr. Malvika Singh, Advocate
for the petitioner.

Mr. Raman Sharma, Advocate and
Mr. Amarsh Dudeja, Advocate
for the respondents.

SUVIR SEHGAL, J.

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of mandamus directing the respondents to take action or pass a speaking order on representation dated 10.12.2024, Annexure P-7, moved by the petitioner and for directing the respondents to challenge the award dated 09.10.2024, Annexure P-6.

2. Facts, in brief, leading to the filing of the petition, are that the respondents granted a letter of intent for allotment of dealership of petrol pump outlet to one Suman Lata in the year 2005. As Suman Lata did not possess land for setting up the pump, she entered into a partnership with the petitioner, who offered to lease his land to the respondents for running the petrol dispensing pump. Vide



Station (Sirsi), was constituted and by a lease deed dated 17.04.2017, Annexure P-2, petitioner leased the land to the respondents for a period of 30 years with effect from 01.04.2017. A license agreement dated 29.05.2017, Annexure P-3, for sale of petroleum products was entered into between the respondents and Suman Lata, who projected herself to be the sole proprietor of M/s Mahalaxmi Filling Station. As differences arose between the petitioner and Suman Lata, a compromise was arrived at, which was not adhered to. Suman Lata filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 (for short “the Arbitration Act”), which was dismissed by the learned Additional District Judge, Karnal, vide order dated 17.07.2018, Annexure P-4. Acting on the complaints given by the petitioner, show cause notices were issued to Suman Lata and on 25.03.2019, Annexure P-5, respondents terminated the dealership. Suman Lata filed a writ petition before this Court and the dispute was referred to an Arbitrator, who passed an award dated 09.10.2024, Annexure P-6, whereby termination of the dealership was set aside and Suman Lata was found entitled to damages.

3. Dr. Malvika Singh, counsel for the petitioner has contended that while passing the award, Annexure P-6, learned Arbitrator has returned a finding that there was no partnership agreement between the petitioner and Suman Lata. This finding has been given without impleading the petitioner in the arbitral proceedings. She submits that as the petitioner was not a party before the Arbitrator, he is not in a position to challenge the award and submitted a representation dated 10.12.2024, Annexure P-7, to the respondents calling upon them to question the award.

4. Advance copy of the petition has been served upon the respondents.

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5. Mr. Raman Sharma, Advocate and Mr. Amarsh Dudeja, Advocate have appeared for the respondents. Mr. Sharma submits that the respondents are in the process of taking recourse to the legal remedies available to them. By making a reference to the termination letter, Annexure P-5, he submits that the license had been terminated primarily on account of the fact that Suman Lata had entered into some agreement with the petitioner, which was never brought to the knowledge of the respondents and she had violated the clauses of the licence agreement, Annexure P-3.

6. I have heard counsel for the parties and considered their respective submissions.

7. Undisputedly, petitioner is not a party to the arbitral proceedings, therefore, he does not have any locus to challenge the award. Insofar as the filing of objections under Section 34 of the Arbitration Act, by the respondents are concerned, the petitioner cannot insist upon the respondents to file the objection petition. Petitioner is a stranger to the licence agreement between Suman Lata and the respondents. He does not have any cause to insist upon the respondents to challenge the award nor can he seek any direction for decision of the representation. As the petitioner lacks locus standi, the writ petition at his hands is not maintainable.

8. Petition is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

18.12.2024*sheetal*

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No