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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 207/2024 & CM APPL. 973/2024**

M/S ASSOCIATES TRADING COMPANY Petitioner

Through: Mr. Vaibhav Gaggar, Mr. Rohit Rathi, Mrs. Monica Lakhanpal Gaggar, Mr. Yashas R.K., Mr. Prerak Khurana and Ms. Shefali Munde, Advocates.

versus

INDIAN OIL CORPORATION AND ANR. Respondents

Through: Ms. Mala Narayan, Mr. Shashwat God and Ms. Isha Ray, Advocates for R-1.
Mr. Vijay Joshi and Mr. Mohit Joshi, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **09.01.2024**

1. Petitioner has approached this Court challenging the termination notice dated 29.12.2023, passed by the Respondent No.1 terminating the Petrol Pump dealership of the Petitioner.
2. The Show Cause Notice was issued to the Petitioner on 14.12.2023 stating that the Petitioner has not lifted the supplies and the Retail Outlet has been lying closed. It also transpires that there is a dispute regarding payment of rental/lease amount by the Petitioner to the DUSIB. Material on record discloses that the Dealership Agreement dated 27.08.2006 was entered into between the Petitioner and the Respondent No.1 for a period of 15 years.



Clause 23 of the said Agreement provides that the Dealer shall be solely responsible and shall bear all expenses of and in connection with the dealership business, including administration of office, insurance premia, wages, salaries, employment benefits payable to all the persons allotted by the Dealer and the telephone rents, license or other fees, ground rent, etc.

3. Learned Counsel for the Petitioner contends that the Petitioner is prepared to pay a sum of Rs.30 lakhs as per the termination notice within two weeks from today. The Petitioner also undertakes to start the Retail Outlet on or before 17.01.2024.

4. On the undertaking given by the Petitioner, the Respondents are directed to revoke the letter of termination dated 29.12.2023.

5. It is made clear that the Petitioner is bound by Clause 23 of the Agreement.

6. With these directions, the Writ Petition is disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

JANUARY 9, 2024

Rahul