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

+ **W.P.(C) 13952/2021**

M/S MANGALWAR FILLING STATION

..... Petitioner

Through: Ms. Padmapriya and Mr. Rishabh
Sancheti, Advocates.

versus

INDIAN OIL CORPORATION LIMITED

..... Respondent

Through: Ms. Mala Narayan, Ms. Isha Ray and
Mr. Shashwat Goel, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

22.01.2024

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CM APPL. 5010/2023 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 13952/2021 & CM APPL. 5009/2023

1. The present Writ Petition has been filed with the following prayers:

“(a) Issue a Writ of Declaration or any other appropriate writ/direction/order for declaring that the 2018 amendment to the clause 8.9 of the Marketing Discipline Guidelines, 2012 does not have retrospective applicability and thereby not applicable to the dispute between the Petitioner and the Respondent as neither the amendment had retrospective effect nor was prevailing at the time of issuance of Letter of Termination dated 23.11.2021;

(b) Issue appropriate writ/direction/order constituting the Appellate Authority under Clause 8.9 of the MDG



as applicable at the time of joint inspection and analysis report dated 30.10.2014 and the show cause notice dated 06.02.2015; and

(c) pass any such other and further orders/directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case as well as in the interest of justice."

2. On 10.01.2024 learned Counsel for the Petitioner had sought time to seek instructions as to whether to withdraw the present Writ Petition and file a fresh Writ Petition challenging the Letter of Termination dated 23.11.2021.
3. Today, learned Counsel for the Petitioner, on instructions, seeks permission to withdraw the present Writ Petition with liberty to file a fresh Writ Petition challenging the Letter of Termination dated 23.11.2021.
4. Leave and liberty, as sought for, is granted. The Petitioner is directed to file a fresh Writ Petition on or before 10.02.2024.
5. Since the Respondents have not taken any steps to resume the unit in question, the Respondents are directed not to resume the unit in question till 10.02.2024.
6. The Writ Petition is disposed of as withdrawn. Pending applications, if any, also stand disposed of.
7. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

JANUARY 22, 2024

Rahul