

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21215 of 2013

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M/s Nirala Filling Station S/O Sri Bishundev Paswan Resident Of Village -
Yusufpur, Ward No.26, P.O. and P.S. Hajipur, District - Vaishali Bihar

... .. Petitioner/s

Versus

1. M/s Indian Oil Corporation Ltd. and Ors At Indian Oil Bhawan, G - 9, Ali Yavar Jung Marg, Bandra East , Mumbai - 400051
2. Director R and D , Indian Oil Corporation Ltd., Corporate Office 3079/3, Sadiq Nagar, J.B. Tito Marg, New Delhi - 110049
3. Director Hr, Indian Oil Corporation Ltd., Corporate Office 3079/3, Sadiq Nagar, J.B. Tito Marg, New Delhi - 110049
4. Executive Director, Indian Oil Bhawan G - 9, Ali Yavar Jung Marg, Bandra East , Mumbai - 400051
5. The General Manager, Indian Oil Corporation Ltd., Bihar State Office 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna - 800001
6. Dy. General Manager Retail Sales , Indian Oil Corporation Ltd. 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna - 800001
7. Senior Divisional Retail Sales Manager Sdrsm , Indian Oil Corporation, Ltd., Patna Divisional Off 3rd Floor, Maurya Complex, Patna - 800001
8. Manager Rs , Indian Oil Corporation Ltd., Patna Divisional Office 3rd Floor, Maurya Complex, Patna - 800001

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Gupta, Advocate
For the Respondent/s : Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

24 20-01-2025 1. Heard the Learned counsel for the petitioner

as well as the respondents.

2. The petitioner has filed the Writ petition for

the following reliefs:-

*“i. For issuance of an
appropriate writ/order/ direction*



preferably in the nature of Certiorari for quashing the order dated 26.04.2011 (Annexure- 8) issued vide memo no. BSO/RET/HFS by respondent no. 5 whereby and whereunder, the dealership of the petitioner has been terminated.

ii. For issuance of an appropriate writ/order/ direction preferably in the nature of Certiorari for quashing the order dated 11.09.2013 (Annexure-13) issued by respondent no. 2 whereby and whereunder, he has upheld the order of termination dated 26.04.2011 passed by the respondent no. 5 in regard to the dealership of the petitioner as contained in Annexure- 8.

iii. For issuance of an appropriate writ/order/direction in the nature of Mandamus commanding the respondent authorities to reinstate/restore the dealership of the petitioner and subsequent thereof resume the sales from and supply to retail outlet.

iv. For any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of



the case.

3. At the very outset, it is relevant to mention that on perusal of Memorandum of Agreement (Annexure1) entered into between the petitioner and the respondents, it appears from a bare reading of Clause 67 that a remedy by way of arbitration is available to the petitioner for the relief sought for in the Writ petition.

4. In view of the above, this Court is not inclined to interfere in the matter of exercise its extraordinary Writ jurisdiction. Accordingly, the Writ petition stands disposed of granting liberty to the petitioner to invoke the arbitration clause for the redressal of his grievances. It is made clear that this Court is not expressing any opinion on the merits of the matter.

5. Furthermore, it is clarified, in case if such an application is filed, the concerned authority shall take into consideration the present proceeding pursued by the petitioner while deciding any issue relating to the



(limitation) condonation of delay, if applicable.

6. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

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