

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4169 of 2017

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1. Gopal Jee Prasad Son of Late Bhagwati Prasad Sah.
 2. Punam Prasad, daughter of Late Bhagwati Prasad Sah.
 3. Mamta Prasad, daughter of Late Bhagwati Prasad Sah.
 4. Anant Prasad Sah, Son of Late Bhagwati Prasad Sah.
 5. Rohita Kumari, D/o Late Bhagwati Prasad Sah.
 6. Mohita Kumari @ Mohita, daughter of Late Bhagwati Prasad Sah.
 7. Amrendra Kumar, Son of Late Bhagwati Prasad Sah, All are residents of Village P.O.- Arwal, Police Station and District- Arwal.

... .. Petitioner/s

Versus

1. The Chairman, Indian Oil Corporation Limited, G-9, Ali Yawar Jang Marg, Bandra (East), Mumbai (Maharashtra) 400051
2. The General Manager Marketing Division Indian Oil Corporation Limited, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Banglow Chowk, Patna
3. The Regional Manager, Indian Oil Corporation Limited, Gaya.
4. Ramjee Prasad, Son of Late Bhagwati Prasad Sah.
5. Alok Kumar, Son of Late Bhagwati Prasad Sah, Respondent Nos. 4 and 5 are resident of Village P.O.- Arwal, Police Station and District- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No-2, Adv.
For the Respondent/s	:	Mr. Sanat Kumar Mishra (IOCL), Adv.
For the Respondent No.4	:	Mr. D.K. Sinha, Dr. Adv.
		Mr. Bajarangi Lal, Adv.

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 28-01-2025

1. The Writ petition is filed for seeking direction to the respondent authorities, particularly to the respondent No.2, to grant license of dealership for the petrol pump, as his father was the license holder of the petrol pump, who died on 25.01.2011



and further to direct the respondent authorities, particularly respondent No.2 to allow the petitioner to run the petrol pump at Arwal under the name and style of M/s Bhagwati Prasad Sah and other reliefs as per the prayer.

2. The brief facts culled out of the petition is that the petitioners had earlier approached this Court to adjudicate the disputes between them and the respondent authorities. This was a subject matter of C.W.J.C. No. 14209 of 2012 which was disposed of by this Court with a direction to the Collector to settle the dispute. Subsequently, an application for modification of the earlier order was filed vide M.J.C. No. 887 of 2013, wherein this Court issued notices to respondent Nos. 4 and 5, granted ad-interim relief until further orders, and directed the corporation to continue the supply of diesel and petrol to the petrol pump as an interim arrangement. This Court further directed the Collector to resolve the family dispute. However, the Collector could not get an agreement between the parties. While adjudicating the matter at the stage of



admission, this Court issued notices to respondent Nos. 4 and 5 and directed the respondent, Indian Oil Corporation, not to discontinue the supply of diesel and petrol to the petrol pump in question until further order, as per the order dated 25.04.2017.

3. Subsequently, the private respondents have entered into the record and the Indian Oil Corporation filed a detailed order and counter affidavit along with the supporting documents. As per the contents of counter affidavit, the supply of the diesel and petrol was initially stopped in year 2013, after the death of the petitioners' father. However, the Indian Oil Corporation resumed the supply of diesel and petrol to the petrol pump, as per the order of this Court dated 09.08.2012. The counter affidavit further disclose that the respondent continuously supplied petrol to the petrol pump of the petitioners till 20.01.2022. Further, the Indian Oil Corporation called for a re-constitution proposal from the petitioners, which was received by the respondent on 09.03.2020 but the same was returned unapproved on 07.08.2020 due to



discrepancies in the documents at the scrutiny stage. Instructions were given for re-submission after proper documentation, as per the requirements. The discrepancies are noted at para-16 of the counter affidavit. The counter affidavit also disclose that several reminders were sent via email to the petitioners for re-submission of the reconstitution proposal and the last email was sent on 01.05.2023. In spite of this, the petitioners have not filed any reconstruction proposal to date. The counter affidavit specifically states that the respondent corporation did not block the supply. Instead, the petitioners themselves stopped taking the supply of diesel and petrol, rendering the petrol pump inoperative since 20.01.2022.

4. It is the specific contention of the Learned counsel for the respondent that it is the petitioners' responsibility to submit a re-constitution proposal, addressing all discrepancies identified during scrutiny and if the petitioners submit the re-constitution proposal, the Indian Oil Corporation will



duly consider the said proposal and shall pass an appropriate order.

5. On the other hand, the Learned counsel for the petitioners reported no objection to dispose of the Writ petition in these terms. The Learned counsel for the respondent informed the Court that the respondent No.4 is no more.

6. Heard the Learned counsel for the petitioners as well as the respondents and perused the record.

7. This Court is of the considered view that, since the Indian Oil Corporation has agreed to consider the reconstitution proposal, the petitioners are directed to to approach the Indian Oil Corporation Ltd. within two months from the date of receipt of this order and the Indian Oil Corporation Ltd. (IOCL) shall pass appropriate orders by considering the reconstitution proposal, within three months from the date of filing of the said application. The private respondents may also file necessary objections before the Indian Oil Corporation Ltd., if



any, which shall also be taken into consideration while re-considering the matter.

8. With the aforesaid observations, the Writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.02.2025
Transmission Date	

