

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.273 of 2025**

M/s ARD Associates, a proprietorship having its registered office at H/o Late Yamuna Kant Jha, Bageshwari Gumti Near Bam Baba, P.O. R.S. Gaya, District- Gaya through its Proprietor namely Sri Deepak Kumar (male), aged about 40 years, Son of Sri Ashok Kumar, resident of H/o Late Yamuna Kant Jha, Bageshwari Gumti Near Bam Baba, P.O. R.S. Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Department of Petroleum and Natural Gas, New Delhi.
2. The Secretary, Department of Petroleum and Natural Gas, New Delhi.
3. The Indian Oil Corporation Ltd., through the Director, Indian Oil Corporation Ltd., Head Office, Mumbai, Maharashtra.
4. The Director, Indian Oil Corporation Ltd., Head Office, Mumbai, Maharashtra.
5. The Chief Manager, Indian Oil Corporation Ltd, AOD, State Office, Guwahati, Assam.
6. The General Manager (Engineering), Indian Oil Corporation Ltd. AOD, State Office, Guwahati, Assam.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Ms. Riya Giri, Advocate<br>Mr. Shashank Shekhar Dubey, Advocate |
| For the Respondent/s | : | Mr. Ankit Katriar, Advocate<br>Mr. Arjun Kumar, CGC             |

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date : 13-05-2025**

Mr. Ankit Katriar, the learned Advocate for the respondent/Indian Oil Corporation Limited has filed the counter-affidavit across the board, which is taken on record. A copy of such affidavit has already been served on the counsel for the petitioner.



2. The petitioner has challenged the decision of the respondent/ Corporation dated 22.08.2024, putting it on the holiday list for a period of two years for not having inspected the canopy at M/s Jai Hanuman Filling Station in Guwahati, which was damaged resulting in suspension of sales at the outlet.

3. The learned counsel for the petitioner has submitted that the notice issued to the petitioner dated 27.05.2024 wrongly states that the petitioner had been engaged for inspection of canopy fabrication and for carrying out QAP at fabrication yard by one AK Interior and Exterior Associates.

4. The canopy at the concerned outlet was damaged on 20.04.2024 during a heavy thunderstorm at that night.

5. The contention of the petitioner is two fold, viz., that the petitioner was never called upon to inspect the canopy or its fabrication site and secondly, that the erection had not been done by the petitioner. The order of



blacklisting, it has been submitted, is a result of total non-application of mind by the respondent/ Corporation, perhaps for the reason that the petitioner had earlier worked for the Corporation at Assam where the work was over.

6. These grounds were not taken into account while passing the order of putting the petitioner on holiday list for two years.

7. The initial objection of the Corporation was with respect to maintainability of this writ petition before the Patna High Court on the ground that except for the petitioner having its office at Gaya, which is within the territorial jurisdiction of the State of Bihar, no other party of this case is located in the State of Bihar; rather every decision in this connection was made at Guwahati in Assam.

8. This objection is not sustainable for the reason that admittedly the petitioner is a proprietorship company, which is located in Bihar and the notice for



seeking the reply as to why it should not be blacklisted or put in holiday list was served in the State of Bihar.

9. The issue with respect to maintainability of writ petitions has been decided long time back in **Kusum Ingots & Alloys Ltd. vs. Union of India and Anr. : (2004) 6 SCC 254, New India Assurance Company Ltd. vs. Union of India and others : AIR 2010 Delhi 43 (FB), M/s. Sterling Agro Industries Ltd. vs. Union of India and others : ILR (2011) VI Delhi 729 and Vishnu Security Services vs. Regional Provident Fund Commissioner : 2012(129) DRJ 661(DB).**

10. In **Nawal Kishore Sharma vs. Union of India & Ors.: (2014) 9 SCC 329**, the Supreme Court after recounting the developments in the constitutional law with respect to Article 226 of the Constitution of India and explaining what the term "cause of action" actually ought to mean and by referring to various other cases on the issue, held that even if a small part of cause of action



arises within the territorial jurisdiction of a High court, that itself may not be considered to be the only determinative factor compelling that High Court to decide the matter on merits. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum convenience.

11. Testing the facts of the case from the above perspective, we find that in the event of the petitioner/ proprietorship company being located in the State of Bihar, which had in the past worked for the Corporation and in this instance, a show cause notice has been sent to and received by the petitioner at Gaya as also the order of blacklisting having been communicated to the petitioner at Gaya, the petitioner would be entitled to maintain a writ petition before this Court, not only on the ground of forum convenience but also on the aspect of maintainability of a writ petition here where the cause of action may not *stricto sensu* would have arisen.

12. Having said that, we find that there has



been total non-application of mind on the part of the Corporation in passing such order of putting the petitioner on the holiday list.

13. We say so for very many reasons but especially for the reason that there is no clarity with respect to the work order. It is not clear whether the petitioner was called upon for erection of the canopy or only for inspection of the canopy fabrication site which had been constructed by another Company. There is no denial of the fact by the Corporation that the work of inspection also was not entrusted to the petitioner. There is no clarity with respect to the mode of communication of the inspection report of the team of the Corporation, on which the petitioner had to take the follow up action.

14. Every accusation against the petitioner, therefore, remains under cloud.

15. The Corporation has not taken into account the explanation offered by the petitioner.

16. These lapses on the part of the Corporation



persuade us to set aside the order impugned in the present petition.

17. The order dated 22.08.2024 is set aside.

18. The matter is remitted to the General Manager (Engineering), Indian Oil Corporation Limited, AOD, State Office, Guwahati, Assam for serving a fresh notice to the petitioner, in case so required; take the response of the petitioner pursuant to such notice; and pass a fresh order in accordance with law within a period of 90 days, to be counted from the date of issuance of notice to the petitioner.

19. The order so passed shall be communicated to the petitioner forthwith.

20. The writ petition stands allowed to the extent indicated above.

**(Ashutosh Kumar, ACJ)**

**(Partha Sarthy, J)**

Rajesh/Saurabh

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| AFR/NAFR          | NAFR       |
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