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08.08.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 18257 of 2025

**M/s. Bhabani Service Station & Ors.
-versus
Union of India & Ors.**

**Mr. Pradip Kumar Dutta, Sr. Adv,
Mr. Sandip Ghose,
Mr. Debayan Ghosh.
...For the Petitioners.**

**Mr. Biswambhar Jha,
Ms. Munmun Mitra,
Mr. H.K. Jha.
...For the Respondent No.1.**

**Mr. Sanjib Kumar Mal,
Mr. Bimalendu Das,
Ms. Shomrita Das.
...For the Respondent
Nos. 2 to 7.**

**Mr. Debabrata Saha Ray, Sr. Adv,
Mr. Subhankar Das.
...For the Private Respondent.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioners were running a petrol pump. Upon noticing certain irregularities, the oil company issued a show cause notice and thereafter, afforded an opportunity of hearing to the petitioners. An order of termination was passed on 30th July, 2025 and communicated to the petitioner on 4th August, 2025.

3. The petitioners allege that overnight the oil company took forcible possession of the articles which were there inside the petrol pump and the said articles

have been handed over to the private respondent on 5th August, 2025 by way of an ad hoc arrangement.

4. Specific submission of the petitioners is that after receiving the reply to the show cause, the oil company was supposed to communicate a decision within a period of 45 days. The order of termination was passed long after the expiry of the aforesaid stipulated period.

5. Immediately after the agreement stood terminated, the manner in which forcible possession was taken, the petitioners did not have any time to prefer appeal against the same.

6. It has been submitted that the Marketing Discipline Guidelines which have been framed is not binding upon the dealer i.e. the petitioners.

7. Learned advocate appearing on behalf of the oil company refers to the said guidelines.

8. It appears therefrom that the guidelines have been set up for maintaining the discipline in the operation of the retail network and to provide high customer service standards.

9. The guidelines clearly mention that the same will be applicable for the oil marketing companies and also for their dealer network. The oil companies do follow the guidelines.

10. The guidelines lay down the action that may be taken by the authority and the appellate provisions. Paragraph 8.9 of the guidelines mentions that in case of orders in critical irregularities, the dealer will have the right to appeal within a period of thirty days from the date of receipt of the order before the appropriate authority who will be empowered to decide the matter and the appeal shall be disposed of preferably within

ninety days from the date of filing the appeal in the office of the appellate authority.

11. The guidelines further lay down that for all appeals in case of critical irregularities, the appellate authority will be the Executive Director (Retail) in the Head Quarters or any other Executive Director level officer at the Head Quarter nominated by the company.

12. There is a specific agreement entered in between the oil company and the petitioners annexed to the writ petition. The same was executed on 19th April, 2022.

13. The agreement mentions that any disputes or differences whatsoever arising out of or in connection with the agreement including any question of termination thereof shall be referred to and finally resolved through arbitration as per the procedure mentioned.

14. The Court very well appreciates the urgency and emergency for which the petitioners have rushed to the writ Court for relief. Admittedly, the business of the petitioners stood suspended upon issuance of the show cause notice in August 2024 and the petitioners are out of business since that point of time. The agreement stood terminated on 30th July, 2025 and the same was allegedly communicated to the petitioners on 4th August, 2025. The petitioners hardly had time to approach the appellate authority.

15. As the articles which were lying in the petrol pump of the petitioners have been handed over to the nearby petrol pump dealer that is the private respondent herein by way of a Panchnama on ad hoc basis, accordingly, the private respondent who is holding the articles of the petitioners on ad hoc basis is directed to act in terms of the Panchnama.

16. It will be open for the petitioner to approach the appellate forum either in terms of the Marketing Discipline Guidelines or avail the remedy of arbitration as mentioned in the agreement between the petitioner and the oil company.

17. In the event the petitioners approach the appellate authority as per the Marketing Discipline Guidelines, the appellate authority shall take steps in the matter within the time period stipulated in the Guidelines.

18. Be it recorded that the learned senior advocate appearing on behalf of the private respondent has clearly disclosed that his client does not seek any right and/or equity on the articles held on ad hoc basis in terms of the Panchnama. The private respondent is already running a petrol pump and is not a contender to the pump of the petitioners.

19. The writ petition stands disposed of.

20. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)