

ORDER SHEET
AP-COM/67/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

INDIAN OIL CORPORATION LIMITED
VS
SACHIDA NAND SINGH AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 10th June, 2025.

Appearance:
Mr. Subhankar Chakraborty, Adv.
Mr. Saptarshi Bhattacharjee, Adv.
...for the petitioner

Mr. Dibyendu Chatterjee, Adv.
Mr. Pritam Majumdar, Adv.
Mr. Rahul Deb Goenka, Adv.
Ms. Satabdi Das, Adv.
Mr. Mainak Singha Barua, Adv.
...for the respondents

The Court:

1. This is an application for stay of operation of the award dated September 10, 2024 passed by the learned Arbitrator. Challenging the award, the petitioner has already filed AP-COM/1021/2024. The petitioner prays that the award be stayed till the disposal of the said application.
2. The dispute between the parties arose out of a Retail Dealership Agreement dated August 17, 2007. The parties were directed to approach the Arbitral Tribunal by a writ court, in W.P.A. No.7070 of 2022. The award-holder had filed a writ petition challenging the order

of termination of the dealership agreement. The learned Arbitrator set aside and/or quashed the show cause notice dated April 23, 2013 issued by the petitioner/award-debtor and also set aside the order of termination dated May 2, 2019 passed by the petitioner / corporation. According to the learned advocate for the petitioner, the order suffers from error apparent on the face of record and patent illegality. Thus, it is submitted that the petitioner has a fair chance of success in getting the award set aside by this Court. Under such circumstances, it is prayed that the enforcement of the award should be stayed till the disposal of the application under Section 34 of the said Act.

3. Mr. Chatterjee opposes the application and submits that upon setting aside of the show cause notice as also the order of termination, the respondent/award-holder is carrying on with the retail outlet and the petitioner had allowed the award-holder to continue with the dealership business.
4. The learned advocate for the petitioner, however, opposes such submission on the ground that the learned Arbitrator had specifically refused the prayer of the award-holder to allow the award-holder to continue with the business in the name and style of M/s. Singh & Ranjan Fuel Centre at the premises no.7/2/A/1, Vivekananda Road, Police Station – Baranagar, District-North 24 Parganas, Kolkata – 700 035, by extending the period of Retail Outlet Dealership and thus, the question of the award-holder continuing with the dealership business does not arise.

5. This controversy as to whether the award holder is continuing as a dealer, is not required to be gone into at this stage, as the same is beyond the scope of the present application. All actions taken in the meantime shall be subject to the decision of this Court in AP-COM/1021/2024.
6. At this stage, under the facts discussed hereinabove, this Court is of the view that there is no necessity for passing an order of stay of operation of the award. The rights and liabilities of the parties arising out of the award shall be decided in AP-COM/1021/2024.
7. AP-COM/67/2025 is, accordingly, disposed of.
8. Let AP-COM/1021/2024 appear in the monthly list of July, 2025.
9. The award-holder is at liberty to file a paper book or a convenience compilation within June 30, 2025, upon service of advance copy to the respondents, containing only the relevant records of the arbitral proceeding.
10. Affidavit of service is taken on record.

(SHAMPA SARKAR, J.)