



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 27899 of 2025

AND

WMP NO. 31266 OF 2025

1. Ponnies Gas Services
CC No. 114631 Represented By
Partners, Smt K Rani And Ms S
Pooja, No. 17 Gandhi Nagar,
Mohanur Road, Namakkal 637
001.

Petitioner(s)

Vs

1. The Territory Manager
Coimbatore LPG Plant And
Territory Office, Bharat
Petroleum Corporation Limited,
PO Box No. 1644 Peelamedu,
Coimbatore,

2. Deputy General Manager QCC
South
Bharath Petroleum Corporation
Ltd, No. 1212 & 1213 Anna
Nagar Chennai, Tamil Nadu
600040

3. The Manager Sales LPG
Bharat Petroleum Corporation
Ltd, PO Box No. 1644
Peelamedu Coimbatore,
Tamil Nadu – 641 004



Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorari to call for the records of the respondent culminating in the issuance of the penalty letter bearing Ref. No.LPF.SR.CBE.QCC Ponnie Gas.2025-206 dated 02.07.2025 and quash the same and pass orders.

For Petitioner(s): Mr.Sam Jayaraj Houston
for M/s.Sarvabhauman
Associates

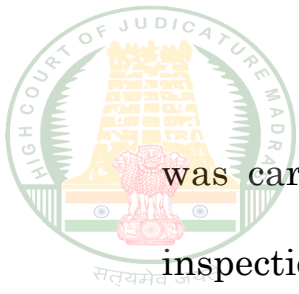
For
Respondent(s): Mr.V.Anand Natarajan
Standing counsel for R1 to
R4

ORDER

This writ petition has been filed challenging the impugned penal action letter dated 02.07.2025 issued by the 1st respondent wherein the petitioner has been directed to deposit a sum of Rs.2,33,496/- within a period of 30 days from the date of receipt of the letter.

2. Heard Mr.Sam Jayaraj Houston, learned counsel for the petitioner and Mr.V.Anand Natarajan, learned Standing counsel for R1 to R4.

3. The petitioner is an authorised Bharat Gas Distributor from the year 1984 onwards. On 13.02.2025, a surprise inspection



was carried out by the 2nd respondent. Pursuant to the same, an inspection report was submitted by the 2nd respondent dated 13.02.2025 and a show cause notice came to be issued by the 1st respondent dated 06.03.2025 pointing out to certain irregularities. On receipt of the same, the petitioner submitted a detailed reply on 24.06.2025. The grievance of the petitioner is that the 1st respondent did not assign any reasons and did not properly consider the reply given by the petitioner and mechanically imposed penalty against the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that even though an alternative remedy of appeal is available, in the case in hand, the penalty has been imposed against the petitioner without assigning any reasons and without considering the reply given by the petitioner. To substantiate his submission, the learned counsel relied upon the earlier order passed by this Court in WP No.8481 of 2008 dated 21.07.2022.

5. Per contra, the learned Standing counsel appearing on behalf of the respondents submitted that the petitioner has an



alternative remedy of filing an appeal and therefore, the present writ petition is not maintainable.

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6. On carefully going through the show cause notice issued by the 1st respondent, it is seen that totally 29 deficiencies were pointed out to the petitioner. The petitioner on receipt of the show cause notice has given a detailed reply by answering every one of the defect that was pointed out in the show cause notice. After receipt of the reply, the impugned penal action letter dated 02.07.2025 has been issued. The 1st respondent has found the reply to be not satisfactory insofar as the defect Nos.22, 23, 24, 27 & 29. After having found the reply to be unsatisfactory, the 1st respondent has also imposed a penalty payable towards those four defects, which has been quantified as Rs.2,33,496/-. The petitioner has also been informed that such instances must not be repeated in future and to strictly comply with the distributorship agreement.

7. It is true that detailed reasoning has not been given by the 1st respondent while rejecting the explanation given by the petitioner towards some of the deficiencies. However, while dealing with the impugned order, this Court must only see if there is an over all



application of mind by the concerned authority on the explanation given by the petitioner. Out of the 29 defects pointed out, the 1st respondent has found that for the majority of the deficiencies, the explanation given by the petitioner is satisfactory. Only insofar as four deficiencies, it was found to be not satisfactory. Therefore, it cannot be said that the 1st respondent had not applied his mind to the reply given by the petitioner. This is not a case where this Court can exercise its jurisdiction under Article 226 of Constitution of India. The grievance expressed by the petitioner can always be raised before the appellate authority and such appellate authority is provided under clause 3.11 of the LPG Distributorship guidelines, 2002. The appeal has to be made before the LPG head of the concerned region.

8. In view of the above, liberty is granted to the petitioner to file an appeal before the concerned authority under clause 3.11 (4) of the LPG Distributorship Guidelines, 2022 and such appeal shall be filed within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the appellate authority shall deal with the appeal on its own merits and in accordance with law and pass orders as expeditiously as possible, after affording an



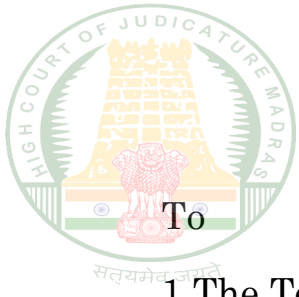
opportunity to the petitioner. Till the appeal is filed by the petitioner, there shall be a direction to the respondents not to recover the penalty amount from the petitioner.

9. This writ petition is disposed of in the above terms. The Registry is directed to return back the original penalty action letter dated 02.07.2025 to the learned counsel for the petitioner in order to enable the petitioner to avail of the appellate remedy. No costs. Consequently, the connected miscellaneous petition is closed.

25-07-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

1.The Territory Manager
Coimbatore Lpg Plant And
Territory Office, Bharat
Petroleum Corporation Limited,
Po Boxno. 1644 Peelamedu,
Coimbatore,

2.Deputy General Manager QC
South
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N.ANAND VENKATESH J.
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