



W.P.No.27269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.27269 of 2023 and
W.M.P.Nos. 26704, 26706 & 26707 of 2023

V.RANGADURAI

... Petitioner

Vs

1. M/S.INDIAN OIL CORPORATION LTD,
REP. BY ITS CHAIRMAN,
3079/3, SADIQ NAGAR, JB TITO MARG,
NEW DELHI- 110 049.
2. THE DIVISIONAL RETAIL SALES HEAD,
MARKETING DIVISION, INDIAN OIL BHAVAN,
NO.8/1079, AVINASHI ROAD,
COIMBATORE- 641 018.
3. B.BANUMATHI
4. R.JAISHREE
5. S.SUGANYADEVI

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari or any other writ, order calling or any other for the second respondent letter in Ref.No. CBDO/R/4010/003 is quash the letter dated 11.09.2023 is same as a illegal.



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For Petitioner	: Mr.V.Raghavachari, Senior Counsel for Mr.K.Rajendraprasad
For R1 & R2	: Mr.V.Anantha Natarajan
For R3 to R5	: Mr.Kalaiyaran

ORDER

This writ petition is filed calling for the records on the file of the second respondent with reference to the impugned letter in Ref.No. CBDO/R/4010/003 dated 11.09.2023.

2. A perusal of the impugned order states that the first and second respondents have not received any proposal for reconstitution and the impugned order also stops the supplies and directs the petitioner to be present at the retail outlet on 15.09.2023 at 10:00 AM for handing over the retail outlet to IOCL.

3. The learned counsel appearing on behalf of the private respondents would reiterate the submissions made by the private respondents in the counter affidavit filed in an earlier round. They have their objections to the case of the petitioner.



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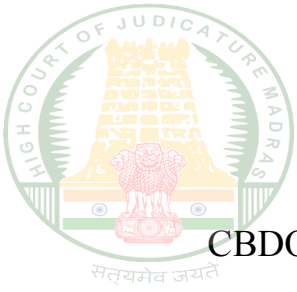
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4. Be that as it may, when the matter came up for hearing, the learned counsel appearing on behalf of the first and second respondents would point out paragraph No. 12 of the counter affidavit and the same is extracted hereunder:-

“I respectfully submit that the instant writ petition is not maintainable, in view of the Arbitration Clause, the Respondent Corporation will issue Show Cause Notice, after following the principles of natural justice and after affording opportunity, further proceeding will be concluded. The petitioner failed to achieve targets and Respondent Corporation is incurring loss of business and goodwill, I.O.C.L invested huge amounts in the Retail outlet and provided all infrastructures such as tanks, dispensing units, sales building, canopy, driveways, etc.”

5. Therefore, when the first and second respondents are prepared to once again conduct a de novo enquiry by issuing a show cause notice to the petitioner as well as the private respondents, the writ petition is disposed of on the following terms:-

(i) The impugned order dated 11.09.2023 bearing Ref.No.



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CBDO/R/4010/003 shall stand quashed.

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(ii) The second respondent shall issue a show cause notice to the petitioner as well as other interested persons and conduct an enquiry in the manner known to law and pass fresh orders. Needless to state that all the contentions of the petitioner as well as the private respondents are kept open to be raised before the first and second respondents during the course of the enquiry.

(ii) Consequently, connected miscellaneous petitions are closed. No costs.

03.02.2025

Neutral Citation: Yes/No
nsl

To

1. M/S.INDIAN OIL CORPORATION LTD,
REP. BY ITS CHAIRMAN,
3079/3, SADIQ NAGAR, JB TITO MARG,
NEW DELHI- 110 049.
2. THE DIVISIONAL RETAIL SALES HEAD,
MARKETING DIVISION, INDIAN OIL BHAVAN,
NO.8/1079, AVINASHI ROAD, COIMBATORE- 641 018.

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The matter is listed under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. Heard the learned counsel for the petitioner.

3. Accordingly, in paragraph No. 5(ii), after the words “during the course of the enquiry” the following sentence shall be added:

“The said exercise shall be completed within a period of four weeks from the date of receipt/production of the website uploaded copy of this order without waiting for the certified copy of the order. “

4. The Registry is directed to include the above sentence and issue a fresh order copy.



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