GAHC010037822020

2026:GAU-AS:16384

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1296/2020

UMANANDA TRANSPORT AGENCY
A PROPRIETORSHIP FIRM REP. BY ITS SOLE PROPRIETOR SMT. PRABHAWATI DEVI SHAW, W/O. LT. KEDARNATH SHAW, A T ROAD BESIDES STATE BANK OF INDIA, DIGBOI, P.O. AND P.S. DIGBOI, DIST. TINSUKIA, ASSAM.

VERSUS

THE INDIAN OIL CORPORATION LTD. AND 3 ORS.
REP. BY ITS GENERAL MANAGER, MARKETING DIVISION, INDIAN OIL-AOD STATE OFFICE, INDIA OIL BHAWAN, SECTOR III, NOONMATI, GHY.-20, KAMRUP (M), ASSAM.

2:THE SENIOR DIVISIONAL RETAIL SALES MANAGER

TINSUKIA DIVISION OFFICE
INDIAN OIL- AOD
INDIAN OIL CORPORATION LTD.
SRIPURIA
P.O. AND DIST. TINSUKIA
PIN-786125
ASSAM.

3:THE MANAGER RETAIL SALES/TINSUKIA DO FOR CDRSM

TINSUKIA DIVISIONAL OFFICE
INDIAN OIL- AOD
INDIAN OIL CORPORATION LTD.
SRIPURIA
P.O. AND DIST. TINSUKIA
PIN-786125
ASSAM.

4:THE DY. COMMISSIONER

TINSUKIA DISTRICT AND HEAD OF THE FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPTT.
TINSUKIA
ASSAM

For the Petitioner(s) : Mr. S. Bora, Advocate

For the Respondent(s) : Ms. U. Das, Addl. Sr. Govt. Advocate
Mr. T. Kashyap, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 12.11.2026

Heard Mr. S. Bora, the learned counsel for the petitioner. Mr. T. Kashyap, the learned counsel appears on behalf of the respondent Nos. 1 to 3 and Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the respondent No. 4.

2. The present writ petition has been filed by the petitioner being aggrieved by the communication dated 26.05.2017 issued by the respondent No. 3 to respondent No. 4 and the order dated 02.06.2017 whereby the respondent No. 4 tagged the allottees of the S.K. Oil Depot with M/s B.P. Shah & Brothers,

Tinsukia, w.e.f. June, 2017 for the purpose of lifting and distribution of the allotted S.K. Oil until further orders.

3. This Court has perused the materials on record and heard the learned counsels appearing on behalf of the parties.

4. Upon perusal of the materials on record, it is seen that on account of non-compliance with the terms and conditions of the dealership agreement executed with Kedarnath Shaw (since deceased) husband of Smt. Prabhawati Devi Shaw, the supply of S.K. Oil to the petitioner's dealership was suspended. Consequently, the allottees tagged with the petitioner's dealership were tagged with M/s B.P. Shah & Brothers, Tinsukia.

5. In the opinion of this Court, if there is any violation of the terms and conditions of the dealership agreement, the respondent Nos. 1, 2 and 3 are required to decide what steps should be taken rather than keeping the dealership under suspension for years.

6. Considering the above, this Court disposes of the instant writ petition with a direction to the respondent Nos. 1, 2 and 3 to take a final decision as to whether the dealership should be continued in favour of the petitioner or not. In this regard, the petitioner shall also be given an opportunity of hearing.

7. Accordingly, the present writ petition stands disposed of with

the following observations and directions:

(i) This Court is not inclined to interfere with the suspension order dated 26.05.2017 or the order dated 02.06.2017.

(ii) The respondent Nos. 1, 2 and 3 are directed to issue a show cause notice to the petitioner within 30 days from the date of the present order, thereby granting the petitioner an opportunity to submit a reply within 15 days from the date of receipt of the show cause notice.

(iii) Upon submission of the reply and/or in the circumstance, no reply is submitted within the period stipulated in the show cause notice, the Respondent Authorities, more particularly the respondent Nos. 1, 2 and 3 are directed to take a decision regarding the dealership agreement executed between the respondent No. 1 and Late Kedarnath Shaw, husband of Smt. Prabhawati Devi Shaw, who represents the petitioner.

(iv) The said decision be taken within a period of 45 days from the date of submission of the reply or in the circumstance, if no reply is submitted within the date so fixed for submitting the reply.

(v) The impugned orders in the present proceedings shall remain subject to the decision so taken in terms of the

directions passed hereinabove.

JUDGE

Comparing Assistant