



**IN THE HIGH COURT OF ANDHRA PRADESH ::
AMARAVATI
(Special Original Jurisdiction)**

[3209
]

MONDAY ,THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 4105 OF 2024

Between:

1. SREE BRUNDAVAN BHARAT GAS SERVICES, REP by its Managing Partner, Putakala Shankar Mahadev, S/o Shankar Mahadev, Aged about 41 years, D.No 7/1230, Tadipatri Road Gooty.
2. Putakala Shankar Mahadev,, S/O Kondappa, Aged about 41 years, R/o . D. No.4/43 AI, BC Colony, Engilibanda, Anantapur A P 515 401.

...PETITIONER(S)

AND

1. THE BHARATH PETROLEUM CORPORATION LIMITED, Rep by its Chairman and Managing Director, Bharat Bhavan 4 and 6 Currimbhoy Road, Ballard Estate Mumbai 400001.
2. The Regional L P G Manager, South BPCL Southern Regional Office, Ranganathan Gardens, Anna Nagar Chennai 600040.
3. The State Head Andhra Pradesh and Telangana State, BPCL Reliance Humsafar Building, Banjara Hills, Road No 11 Hyderabad.
4. The Territory Manager, LPG Kurnool LPG Territory, NH7 217/6KMStone,Territory Office, N P No 10 B Camp PO Kurnool 5180.
5. The Manager Sales LPG Kurnool, LPG Territory, Territory Office, N H 7 217/6 K M Stone, N P No 10 B Camp PO Kurnool 5.
6. The Director Marketing, Bharath Petroleum Corporation Limited, Bharat Bhavan, 4 and 6, Currimbhoy Road, Ballard Estate, P.B No 688-Mumbai-400001.
7. The Executive Director LPG, Bharath Petroleum Corporation Limited, Bharat Bhavan, 485 6, Currimbhoy Road, Ballard Estate, P.B No 688-Mumbai-400001.
8. The Union Of India, ,Rep by its Secretary Ministry of Petroleum, and Natural Gases NEW DELHI

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a Writ, Order or direction, particularly, one in the nature of writ of Mandamus dismissing the termination order Dt. 05.01.2024 issued by the 7th respondent as, illegal, arbitrary, violation of Principles of Natural Justice, against the spirit and content of this Honourable Courts orders, in W.P.No. 25793 of 2021 and W.A.No. 900 of 2023, but also against the Doctrine of Constructive res judicata by virtue of respondents reliance on material and reasons which were not originally their legal crutches of reliance in then earlier termination order Dt.01.08.2020, challenged by the petitioner nor the Ratio- Decidendi for the Honourable A.P.High Court in the writ petition as well as Writ Appeal and consequently direct the respondents to immediately restore the agency with all consequential benefits and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to declare the termination order Dt. 05.01.2024 issued by the 7th respondent as invalid, and pass

Counsel for the Petitioner(s):SRI. TAMMANA ANUP KUMAR

Counsel for the Respondents:

The Court made the following:

I.A. No.1 of 2024

Heard learned counsel for the petitioners.

Also heard Mr.V.V.Satish, learned counsel appearing on behalf of the respondent Nos.1 to 7/BPCL.

Learned counsel for the petitioners, *inter alia* submits that as per the directions of the Hon'ble Division Bench dated 15.9.2023 in Writ Appeal No.900 of 2023, the respondent No.7 was required to pass orders within eight (8) weeks from the date of receipt of a copy of the said order. He submits that a copy of the said order was communicated to the Authorities on 22.9.2023 and the orders would have been passed on or before 28.11.2023. He submits that as the impugned order was passed on 05.1.2024 i.e., after expiry of the time

stipulated by the Hon'ble Division Bench, the petitioners are entitled for the benefit of restoration of the distributorship in terms of the Direction No.5 of the order in the Writ Appeal. He also submits that the respondent No.7, while terminating the distributorship of the petitioners, has conducted a press meet in local news channel contrary to the Marketing Guidelines, which is not a part of the show cause notice issued on the earlier occasion nor a point that was urged either before the Learned Single Judge or the Hon'ble Division Bench. He submits that as the impugned termination proceedings is contrary to the orders of the Hon'ble Division Bench, the same are liable to be interfered with.

On the other hand, learned counsel for the respondent/BPCL submits that the petitioner committed four major irregularities with reference to which a show cause notice was issued and after considering the explanation of the petitioners, the proceedings impugned have been passed. He further submits that during the course of enquiry, the petitioners submitted several documents and the Authorities of the Corporation took time for the purpose of examining the same. He submits that the delay, if any, in passing the impugned order is attributable to the petitioners. Drawing the attention to the Direction No.6 of the orders of the Hon'ble Division Bench, he submits that the contention advanced by the learned counsel for the petitioners with reference to the Direction No.5 is not tenable. He seeks time to file counter in the writ petition.

Considering the submissions made, this Court is not inclined to accept the submission made by the learned counsel for the petitioners with reference to the Direction No.5. In the opinion of this Court, the said Direction was issued only as an interim measure, in the event the orders are not passed afresh by the

concerned Authority within the stipulated time, but the rider makes it clear that the restoration is subject to the final orders.

For the aforesaid reasons, the interim relief sought for by the petitioners in I.A. No.1 of 2024 cannot be granted pending disposal of the writ petition. Accordingly, I.A. No.1 of 2024 is dismissed.

W.P. No.4105 of 2024

List the matter on 11.3.2024 for filing counter.

NJS, J
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