



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE FOURTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

IA No. 1 OF 2022

IN

WP NO: 40186 OF 2022

Between:

Kommineni Durga, W/o K. Venkata Ramana, aged about 38 years, Hindu,
Retail dealer for Indian Oil corporation Ltd., Proprietor of Lakshmi Narayana
filling station, Ananthapuram, Anathapuram District.

...Petitioner(s)
(Petitioner)

AND

1. M/s.Indian Oil Corporation Ltd, having its registered office at Indian Oil Bhavan, G9, All Yavar, Zen Mark, Bandra East, Mumbai-400051. Rep. by Managing Director.
2. Indian Oil Corporation Ltd., Divisional office D.NO.8-115/1, 1st floor, MM complex, RC road, Royal Nagar, Tirupathi-517501. Rep. By its Divisional Manager.

...Respondents

Counsel for the Petitioner :Sri K V VIJAYA KUMAR

Counsel for the Respondents :Sri S.V.S.S.SIVA RAM

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 suspend the operation of the letter dated 30.10.2022 issued by the 1st respondent through the 2nd respondent directing the respondents to supply the petroleum products to the petitioner's outlet as usual permitting the petitioner to sell the stock in accordance with law and in terms of the interim order passed in W.P.NO.38613/2022 and to continue her business, Pending disposal of WP No. 40186 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER:

"This writ petition has been filed against the letter dated 30.10.2022 issued by the 2nd respondent, wherein, it is directed to stop sales immediately by the petitioner.

Basing on the material available on record, it appears that the Indian Oil Corporation Officers along with the Civil Supplies Department Officers of the State conducted joint inspection on 29.10.2022 and found certain irregularities in operating the petroleum out let by the petitioner.

Earlier, the Civil Supplies Authorities suspended B- Form license issued to the petitioner under A.P. Petroleum Products (Licensing and Regulation of Supplies) Order, 1980. Challenging the same, the petitioner filed WP No.38613 of 2022 before this Court and this Court passed interim suspension suspending the B-Form licence.

In the present writ petition, petitioner is challenging the letter dated 30.10.2022 to stop the sales of the petitioner petroleum out let. The main allegation against the petitioner is that, a huge quantity of petroleum products found in the petitioner's out let, which are not supplied by the respondent-Corporation. The respondents are conducting enquiry on this issue.

Learned standing counsel appearing for the respondent-Corporation submits that violations committed by the petitioner are critical irregularities as per Chapter-8, sub-head 8.2 of Marketing Discipline Guidelines-2012. Learned standing counsel further submits that earlier in the month of February, 2022, petitioner petroleum out let was inspected by the inspection authorities and thereafter, as per the present procedure, only in the month of October, 2022 inspection was conducted. As such it is clear that there is no inspection for ten months. Petitioner can't produce the petroleum products on his own. The said petroleum products may be supplied to the petitioner by other two oil companies, which are Government of India undertakings. Whether the allegation of the respondents that the petitioner possessed the huge quantity of petroleum products other than the products supplied by the respondents will be considered after filing of the counter- affidavit by the respondents.

Meanwhile, in the interest of justice, in the prima-facie opinion of this Court, it is appropriate to direct the petitioner to lift the petroleum products possessed by him unauthorisedly into suitable receptacles provided by him in

the presence of the Authorized Officer of the respondents and keep the same in the safe custody. Thereafter, the 2nd respondent shall permit the petitioner to continue his business as usual pending further orders.

It is made it clear that the respondents are at liberty to conduct any enquiry with regard to possession of the stock unauthorisedly by the petitioner and on other aspects.

Post after four (4) weeks."

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For  SECTION OFFICER

To,

1. The Managing Director, M/s Indian Oil Corporation Ltd, having its registered office at Indian Oil Bhavan, G9, All Yavar, Zen Mark, Bandra East, Mumbai-400051.
2. The Divisional Manager, Indian Oil Corporation Ltd., Divisional office D.NO.8-115/1, 1st floor, MM complex, RC road, Royal Nagar, Tirupathi-517501(Addressee nos. 1 & 2 By RPAD)
3. One CC to SRI. K V VIJAYA KUMAR Advocate [OPUC]
4. One CC to SRI. S.V.S.S.SIVA RAM Advocate [OPUC]
5. One spare copy

CVSS

HIGH COURT

DEVJ

DATED:04/01/2023

NOTE: POST AFTER FOUR(4) WEEKS

ORDER

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DIRECTION

