

GAHC010036762023



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

Case No. : WP(C)/977/2023

M/S DULO SERVICE STATION AND ANR.
REP. BY ITS SOLE PROPRIETOR SRI JITENDRA BAISHYA, BHARAT
PETROLEUM DEALER, AMINGAON, HAJO ROAD, AMINGAON, P.O.
DADARA, P.S. HAJO, PIN- 781031, DIST.- KAMRUP, ASSAM

2: JITENDRA BAISHYA
S/O- SRI NANDESWAR BAISHYA
PROPRIETOR OF M/S DULO SERVICE STATION
R/O- VILL- BANGSHAR
P.S. HAJO
P.O. SUALKUCHI
PIN- 781103
DIST.- KAMRUP (M)
ASSA

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE MINISTRY OF PETROLEUM AND NATURAL GAS, GOVT. OF
INDIA NEW DELHI-1

2:BHARAT PETROLEUM CORPORATION LTD.
(GOVT. OF INDIA ENTERPRISE)
BHARAT BHAVAN
4 AND 6 CURRIMBHOY ROAD
BALLARD ESTATE
MUMBAI-1
MAHARASHTRA

3:THE CHIEF MANAGER
BNP (RETAIL)
WEST BENGAL AND SIKKIM
EASTERN REGIONAL OFFICE 3RD FLOOR
BHARAT BHAVAN

BPCL
PRINCE GULAM MD. SHAH ROAD
GOLF GREEN
KOLKATA- 95
W.B.

4:THE HEAD (RETAIL) EAST
EASTERN REGIONAL OFFICE 3RD FLOOR
BHARAT BHAVAN
BPCL
PRINCE GULAM MD. SHAH ROAD
GOLF GREEN
KOLKATA- 95
W.B

5:THE TERRITORIAL MANAGER (RETAIL)
BHARAT PETROLEUM CORPORATION LTD.
GUWAHATI TERRITORIAL
1ST FLOOR
NEXIA PARK
GMCH ROAD
CHRISTIAN BASTI
GUWAHATI
DIST.- KAMRUP (M)
ASSAM

6:THE DY. COMMISSIONER
KAMRUP
AMINGAO

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

21.02.2023

Heard Shri K.N. Choudhury, learned Senior Counsel assisted by Shri B.J. Ghosh, learned counsel for the petitioner.

The petitioner is aggrieved by the action of the respondent authorities in

terminating the agreement dated 30.04.2011 which was entered into for opening and running a Petrol Pump Dealership under the BPCL.

It is the case of the petitioner that in 2011 after due selection, the petitioner has started the aforesaid business in the name and style M/S. Dulo Service Station at Bangshar Hazo. However, on 10.09.2020 and 12.09.2020, an inspection was carried out in which according to the petitioner, no major anomalies were detected. However, the impugned action has been taken by which the agreement, as stated above has been cancelled.

Issue notice, returnable by 4 (four) weeks.

Shri S. Roy, learned C.G.C. accepts notice on behalf of the respondent no. 1 - Union of India, Shri S. Borthakur, learned counsel accepts notice on behalf of the respondent nos. 2, 3, 4 & 5 and Ms. M. Barman, learned State Counsel accepts notice on behalf of the respondent no. 6 - The Deputy Commissioner, Kamrup.

Extra copies of the writ petition be served upon the learned counsel for the parties by tomorrow, i.e., 22.02.2023.

The learned Senior Counsel prays for an interim order.

However, the same has been resisted by Shri Borthakur, the learned counsel by submitting that the Petrol Pump has already been allowed to be run by a third party.

In that view of the matter, it is observed that any action taken consequent to the impugned action of termination of the agreement shall be subject to further orders that may pass in this writ petition by the next date i.e., 22.03.2023.

The submission made on behalf of the contesting respondents that the distributorship has been allotted to a third party is required to be put on record by way of an affidavit to be filed within a week.

List this matter again on 22.03.2023.

It is however made clear that if the third party namely Shri Ramani Malakar, proprietor of M/s Janaki Service Station has not taken over, the same shall not be allowed to be taken over until the next date fixed.

JUDGE

Comparing Assistant