

20.09.2023

Sl. No.09.

Mithun

Ct.No.42.

WPA 22378 of 2023

M/s. Vineeta Bharatgas & Anr.

Vs.

Bharat Petroleum Corporation Limited & Ors

Mr. Debabrata Saha Roy,

Mr. Neil Basu,

Mr. Rahul Kumar Singh,

Mr. Sankha Biswas

...for the petitioners.

Affidavit of service be kept with the record.

A policy decision of de-linking customers from one distributor and linking them with another distributor taken by the Oil Corporation on 4th January, 2018 and on 9th January, 2018 respectively were challenged before the Hon'ble Bombay High Court and also before the Madurai Bench of the Hon'ble Madras High Court.

The Bombay High Court by a judgment dated 30th September, 2019 quashed the said notification/policy decision. Against the said order the Oil Company preferred an SLP before the Hon'ble Supreme Court and the same is still pending.

In the instant writ petition, the petitioners have raised their grievance that the petitioners have only 8,500 customers enrolled in their shop, out of which the effective customers are approximately about 5,500 to 6,000. On the other hand, there are three other distributors in the same locality having their customers

between 35,000 to 70,000. The petitioner has prayed for de-linking some of the customers from the said distributors and link them to the distributorship of the petitioners.

In view of the fact that the matter is pending before the Hon'ble Supreme Court, at this stage, the issue of linking or de-linking, in my considered view, cannot be taken up. However, the instant writ petition is required to be heard on exchange of affidavit because this Court is of the view that the distributors of a particular locality must have equitable distribution of customers.

Therefore, the instant writ petition is admitted.

The respondents are directed to file affidavit-in-opposition within three weeks from the date of this order and serve the copy of the same to the learned Advocate for the petitioners.

Petitioners are at liberty to file affidavit-in-reply within ten days thereafter.

In the meantime, if any new customer makes an application for Liquified Petroleum Gas Cylinders with the respondent company in respect of the local operational area of the petitioners, they be linked with the petitioners till the disposal of the instant writ petition.

(Bibek Chaudhuri, J.)