

(2007) 12 JH CK 0037
In the Jharkhand High Court

Om Service Station

APPELLANT

Vs

Hindustan Petroleum Corporation Ltd. and Others

RESPONDENT

Date of Decision : 20-12-2007

Acts Referred:

Citation : (2008) 2 JCR 386

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard Mr. Sinha, learned Counsel for the petitioner and Mr. Jerath, learned Counsel for the respondent H.P.C.L. Initially the prayer of the petitioner in this writ application was for quashing of the letter dated 3.8.2007 issued by the Regional Manager, Tatanagar Retail Regional Officer, Hindustan Petroleum Corporation Limited, whereby the petitioner was directed to explain the reasons for irregularity/mal practice with reference to the marker test conducted by the representative of M/s. S.G.S. India Pvt. Limited and also for quashing the show cause notice, dated 30th August, 2007, whereby the petitioner was called upon to show cause as to why necessary action be not taken against him in accordance with the terms and conditions of the dealership agreement but during the pendency of the writ application, final order was passed terminating the dealership of the petitioner by order dated 31.10.2007 and then the petitioner filed an interlocutory application for amendment of the writ application, which was allowed by order dated 29.11.2007 and, therefore, now the order for termination of dealership of the petitioner's retail outlet, contained in Annexure-13 to the interlocutory application is under challenge.

2. In short the facts of the case are that the petitioner was the retail outlet dealer of Hindustan Petroleum Corporation Limited situated at Damanpur in the District of Dhanbad. The said retail outlet was inspected on 26.7.2007 by M/s. S.G.S. India Private Limited, the authorized agency of Hindustan Petroleum Corporation Limited for market test Motor spirit sample was drawn from the unit

of the retail outlet of the petitioner and then on test the sample was found to be adulterated. Accordingly, the sales and supply of all the products from the retail outlet was suspended. Thereafter, notice to show cause was issued to the petitioner as to why his dealership agreement be not terminated or contravention of Clauses 26, 27, 58(1) and (M) of the Dealership Agreement dated 2.3,. 1987.

3. The petitioner filed his show cause raising several objections and, thereafter, the Regional Manager by the impugned order as contained in Annexure-13 after considering each and every objections, raised by the petitioner, in a detail order rejected all his objections and passed the order terminating the dealership agreement of the petitioner. After going through the impugned order as contained in Annexure-13 dated 31.10.2007, I find that the Regional Manager, after full application of his mind and on consideration of entire facts and circumstances of the case, has passed the impugned order.

4. In such matters like present one this Court cannot sit on appeal specifically in the facts and circumstances of the case where the Motor Spirit stored in the outlet of the petitioner was found to be adulterated. I find that the order passed by the Hindustan Petroleum Corporation Limited is perfectly justified. Accordingly, no case is made out for any interference by this Court and, as such, this writ application is dismissed.