
(2025) 02 JH CK 1280
In the Jharkhand High Court
Case No : Writ Petition (S) No. 592 Of 2022

Shiv Kumar Bhagat

APPELLANT

Vs

Indian Oil Corporation Limited

RESPONDENT

Date of Decision : 06-02-2025

Acts Referred:

Citation : (2025) 02 JH CK 1280

Hon'ble Judges : Deepak Roshan, J

Bench : Single Bench

Advocate : Gautam Kumar, Rahul Lamba

Final Decision : Dismissed

Judgement

Deepak Roshan, J

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioner challenging the letter dated 28.10.2021 issued by the respondent No.4 (Annexure 8) pursuant to which the application of the petitioner, for revival of the terminated distributorship M/s Meera Indane Gramin Vitrak, District Pakur, which was awarded to petitioner's son, Late Nitesh Kumar Bhagat, was not allowed by the respondents for the reason that the prevailing policy guidelines do not permit revival of terminated distributorship.

The petitioner has further prayed for quashing of the letter dated 19.09.2014 (Annexure 3) issued by the respondents pursuant to which the Distributorship Agreement, entered between the respondent-IOCL and petitioner's son, was terminated. Additionally, the petitioner has prayed for a direction upon the respondents to revive the distributorship, which was awarded to petitioner's son, in favour of the petitioner.

3. The brief facts of the case are that after due process of selection for distributorship known as Rajiv Gandhi Rural L.P.G Distribution (RGGLV) Scheme

at Hiranpur in the year 2011-2012, petitioner's son, namely, Nitesh Kumar Bhagat was awarded distributorship by the respondents vide letter dated 07.04.2014 and an agreement was entered into between the respondents and petitioner's son with the name and style as MEERA INDANE GRAMIN VITRAK.

On 19.09.2014, a letter was issued by the respondent no.5 to the petitioner's son stating therein that there is direction of the High Court prohibiting the Corporation from giving distributorship to anybody else till disposal of W.P.(C) No. 944 of 2013. On 06.12.2019, the said W.P.(C) No. 944 of 2013 filed by one Abu Nasar Ansari who was also one of the rival applicants for distribution of L.P.G for the said area, was dismissed.

Thereafter, the petitioner made an application on 08.12.2020 before the respondent authorities for revival of MEERA INDANE L.P.G Rural Distributorship at Hiranpur, Pakur pursuant to which a letter dated 28.10.2021 was issued by the respondents to the petitioner stating therein that prevailing policy guidelines of the Corporation do not permit revival of the terminated distributorship. Being aggrieved of this, the instant writ application has been filed by the petitioner.

4. Learned counsel for the petitioner submits that the letter dated 28.10.2021 issued by the respondents is not sustainable in law for the reason that the distributorship, which was granted to petitioner's son, was terminated because of the interim order dated 21.10.2013 passed by this Hon'ble Court in W.P (C) No. 944/2013 (Annexure 4), but finally the said writ petition was dismissed by this Hon'ble Court vide order dated 06.12.2019, (Annexure 5).

Learned counsel for the petitioner further submits that after the death of his son, namely, Nitesh Kumar Bhagat, to whom L.P.G Distribution ship was awarded on 07.04.2014 and an agreement was also entered, L.P.G. distribution ship should be given to him after his son's death as there is no other legal heir of his son.

He further relied on the Detailed Guidelines for reconstitution of LPG Distributorship 2020 (Annexure 9) to contend that the said guidelines permit revival of terminated distributorship in case of death of the distributor. Accordingly, the petitioner has prayed for granting the reliefs prayed in the writ petition.

5. Learned counsel for the respondent submits that the policy or guidelines of the Respondent-Corporation and other oil marketing companies, in regards to reconstitution of any LPG distributorship upon death of any partner or proprietor of the distributor, are provided in the 'Detailed Guidelines for Reconstitution 01.07.2020 of LPG Distributorship 2020' dated 01.07.2020.

He further submits that the said guidelines for reconstitution of distributorship provides for of a distributorship, which was running at the time of death of the proprietor or partner of the distributor, and it does not provide for reconstitution of a distributorship which was not running and instead terminated prior to the death of the proprietor or partner of the distributor. It is because of absence of

such guideline to reconstitute a distributorship which was not running and instead terminated prior to the death of the proprietor of the distributor; the the respondent officials have not been able to reconstitute the distributorship of M/s Meera Indane Gramin Vitrak, which was granted to the son of the petitioner but subsequently it was terminated on 19.09.2014 prior to the unfortunate demise of the son of the petitioner on 11.05.2018, in favour of the petitioner.

He lastly submits that there is a new policy/guidelines, which has been made applicable, for reconstitution of LPG distributorship and the same is titled as Detailed Guidelines for Reconstitution of LPG Distributorship 2022 dated 27.05.2022. Even in these guidelines, there is no provision for reconstitution of a distributorship which was not running and instead terminated prior to the death of the proprietor or partner of the distributor.

6. Having heard learned counsel for the parties and after going through the documents annexed with the respective affidavits, it appears that petitioner's son was appointed as a distributor of L.P.G. and an agreement was also entered into between the petitioner's son and respondent-company on 07.04.2014 and in the meantime, a letter dated 19.09.2014 has been issued by Indian Oil Corporation Limited (MD), Bihar State, to petitioner's son mentioning therein that, one case being W.P.(C) No. 994 of 2013 is pending before this Court and this Court vide Order dated 21.10.2013, made a direction, prohibiting the corporation from giving distributorship to anybody else till disposal of the case.

It further transpires that the distributorship of LPG, which was granted to M/s Meera Indane Gramin Vitrak, the proprietorship firm of the son of the petitioner, was terminated vide letter dated 19.09.2014 of the respondents. The said termination of the distributorship was never challenged by the son of the petitioner. It is for the first time in the instant writ petition that the petitioner has challenged the said termination of distributorship dated 19.09.2014 which is barred by limitation and not sustainable in the eye of law.

It further appears from record that after the dismissal of the writ petition being W.P.(C) No. 994 of 2013, the petitioner made an application before the respondents on 08.12.2020 for revival of Distributorship at Hiranpur, Pakur. Thereafter, respondent issued a letter on 28.10.2021; wherein it has been indicated that the prevailing policy guideline of the Corporation do not permit revival of the terminated distributorship.

7. Having regard to the aforesaid admitted facts, this Court does not find any infirmity with the impugned order as the distributorship was already terminated on 19.09.2014 prior to the unfortunate demise of the son of the petitioner on 11.05.2018; as such, no relief can be granted to this petitioner.

8. Hence, this writ is dismissed without cost. Pending I.A if any is also closed.