

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 29TH DAY OF OCTOBER 2021 / 7TH KARTHIKA, 1943

WP(C) NO. 27016 OF 2011

PETITIONER:

ELSY ANTONY, AGED 61 YEARS,
W/O.ANTONY, PROPRIETRESS, ST.ANTONY'S GAS AGENCIES,
NEAR POLICE STATION, ADIMALI P.O 685 561,
IDUKKI DISTRICT.

BY ADVS.
SRI.B.ASHOK SHENOY
SMT.LAKSHMI B.SHENOY

RESPONDENTS:

- 1 UNION OF INDIA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, MINISTRY OF PETROLEUM &
NATURAL GAS, SHASTRI BHAVAN, NEW DELHI 110 001.
- 2 INDIAN OIL CORPORATION LTD. REPRESENTED
BY ITS DIRECTOR(MARKETING) , INDIAN OIL BHYAVAN,
G-9, ALI YAVAR JUNG MARG, BANDRA(EAST) ,
MUMBAI - 400 051.
- 3 BHARAT PETROLEUM CORPPORATION LTD.
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR, 4
& 6, CURIMBHOY ROAD, BALLARD ESTATE, MUMBAI - 400 051
- 4 HINDUSTAN PETROLEUM CORPORATION LTD.
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR,,
PETROLEUM HOUSE,17 JAMSHEDJI TATA ROAD,
MUMBAI - 400 020.

BY ADV E.K.NANDAKUMAR (SR.)

SMT.RAMOLA NAYANPALLY, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29.10.2021, ALONG WITH WP(C).27017/2011, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 29TH DAY OF OCTOBER 2021 / 7TH KARTHIKA, 1943

WP(C) NO. 27017 OF 2011

PETITIONERS:

- 1 PRASAD BHASKAR, AGED 41 YEARS,
S/O.BHAKSARAN, PROPRIETOR, PR GAS AGENCIES,
IDUKKI COLONY P.O, CHERUTHONI,
IDUKKI DISTRICT - 685 602.

- 2 JAMES MATHAI, AGED 56 YEARS
S/O.MATHAI, PROPRIETOR, DIVINE GAS ENTERPRISES,
KATTAPPANA, IDUKKI DISTRICT - 685 508.

- 3 RENI.K.ALEX, AGED 33 YEARS,
S/O. OF ALEXANDER THOMAS, PROPRIETOR,,
KUROMBILLIL GAS AGENCIES, ANAKKARA,,
UDUMBANCHOLA, IDUKKI DISTRICT - 685 554.

BY ADV SRI.B.ASHOK SHENOY

RESPONDENTS:

- 1 UNION OF INDIA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, MINISTRY OF PETROLEUM &
NATURAL GAS, SHASTRI BHAVAN, NEW DELHI - 110 001.

- 2 INDIAN OIL CORPORATION LTD.
REPRESENTED BY ITS DIRECTOR(MARKETING), INDIAN
OIL BHAVAN, G-9, ALI YAVAR JUNG MARG,
BANDRA(EAST), MUMBAI - 400 051.

- 3 BHARAT PETROLEUM CORPORATION LTD.
REPRESENTED BY ITS CHAIRMAN CUM MANAGING
DIRECTOR, 4 & 6 CURIMBHOY ROAD, BALLARD ESTATE,
MUMBAI - 400 001.

- 4 HINDUSTAN PETROLEUM CORPORATION LTD.
REPRESENTED BY ITS CHAIRMAN CUM MANAGING

DIRECTOR, PETROLEUM HOUSE, 17 JAMSHEDJI TATA
ROAD, MUMBAI - 400 020.

BY ADVS.
M. GOPIKRISHNAN NAMBIAR
JOSON MANAVALAN
KURYAN THOMAS
PAULOSE C. ABRAHAM
P.BENNY THOMAS
E.K.NANDAKUMAR (SR.)

SMT.RAMOLA NAYANPALLY, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.10.2021, ALONG WITH WP(C).27016/2011, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

W.P. (C) Nos. 27016 and 27017 of 2011

Dated this the 29th day of October 2021

JUDGMENT

The above writ petitions are connected and therefore I am disposing these two writ petitions by a common judgment. It will be better to extract the prayers in one of the writ petitions and therefore I will extract the prayer in W.P. (C) No. 27016 of 2011.

"a) Call for the records and files leading to Exts. P5 and P6 issued by respondents nos. 2 to 4 and quash Exts. P5 and P6 to the extent it seeks to appoint new distributors for Liquified Petroleum Gas in Idukki District at 'Bison Valley', 'Konathady', 'Rajakumari', 'Chinnakanal', 'Senapathi', 'Nedumkandam', 'Devikulam', and 'Kattappana', by issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction;

b) Issue a writ in the nature of prohibition or any other appropriate writ, order or direction prohibiting respondents from appointing new distributors for Liquified Petroleum Gas pursuant to Exts. P5 and P6 in Idukki District at 'Bison Valley', 'Konathady',

'Rajakumari', 'Chinnakanal', 'Senapathi', 'Nedumkandam', 'Devikulam' and 'Kattappana'; and.

c) Grant such other and further reliefs as are deemed just deemed and necessary in the facts and circumstances of the case including the costs of this proceedings; as also the following."

2. The grievance of the petitioners is that the Oil Marketing Companies are granting distributorship without any criteria and adjacent to the existing distributors. These writ petitions are pending from 2011 onwards. There is no interim order also in these writ petitions.

3. Heard the learned counsel appearing for the petitioners and the learned Standing counsel for the respondent Companies.

4. These writ petitions are filed on 12.10.2011 and are still pending. Based on the prayers in these writ petitions, I think this Court may not be able to pass any orders at this distance of time. These are matters to be decided by the Company according to their discretion. If there is any individual grievance to the

petitioners, they can approach the respondent Company with representations. If such representations are received, the Company will do the needful based on the individual representation.

With this observation, these writ petitions are disposed of.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

DM

APPENDIX OF WP(C) 27017/2011

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 5.8.2011.
- EXHIBIT P2 TRUE COPY OF NEWS ITEM PUBLISHED IN DEEPIKA, DAILY DATED 5.8.2011.
- EXHIBIT P3 TRUE COPY OF ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 3.9.2011.
- EXHIBIT P4 TRUE COPY OF NEWS ITEM PUBLISHED IN DEEPIKA, DAILY DATED 2.9.2011.
- EXHIBIT P5 TRUE COPY OF NOTICE ISEUD BY RESPONDENTS NOS 2 TO 4, PUBLISHED IN MATHRUBHUMI DAILY DATED 30.12.2010.
- EXHIBIT P6 TRUE COPY OF NOTICE ISSUED BY RESPONDENT NOS. 2 TO 4. PUBLISHED IN MALAYALA MANORAMA DAILY DATED 30.7.2011.
- EXHIBIT P7 TRUE COPY OF BROCHURE ON SELECTION OF RAJIV GANDHI GRAMIN LPG VITRAK ISSUED BY RESPONDENTS NOS 2 TO 4.
- EXHIBIT P8 TRUE COPY OF LETTER NO. P-20020/22/2009-MKT. DATED 6.8.2009 ISSUED BY ITS RESPONDENT TO RESPONDENTS NOS 2 TO 4 WITH RAJIV GANDHI GRAMIN LPG VITRAK SCHEME ATTACHED THERETO.
- EXHIBIT P9 TRUE COPY OF BROCHURE ON GUIDELINES FOR SELECTION OF REGULAR LPG DISTRIBUTORS ISSUED BY RESPONDENTS 2 TO 4.

RESPONDENT EXHIBITS

- EXHIBIT R3 (A) TRUE COPY OF THE DISTRIBUTORSHIP AGREEMENT DATED 21.07.2012 ENTERED INTO BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.

APPENDIX OF WP(C) 27016/2011

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 5.8.2011
- EXHIBIT P2 TRUE COPY OF NEWS ITEM PUBLISHED IN DEEPIKA, DAILY DATED 5.8.2011
- EXHIBIT P3 TRUE COPY OF NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 3.9.2011
- EXHIBIT P4 TRUE COPY OF NEWS ITEM PUBLISHED IN DEEPIKA, DAILY DATED 2.9.2011
- EXHIBIT P5 TRUE COPY OF NOTICE ISSUED BY RESPONDENTS NOS. 2 TO 4, PUBLISHED IN MATHRUBHUMI DAILY DATED 30.7.2010
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- EXHIBIT P8 TRUE COPY OF LETTER NO.P-20020/22/2009 -MKT. DATED 6.8.2009 ISSUED BY 1ST RESPONDENTS NOS.2 TO 4 WITH RAJIV GANDHI GRAMIN LPG VITRAK SCHEME ATTACHED THERETO
- EXHIBIT P9 TRUE COPY OF BROCHURE ON GUIDELINES FOR SELECTION OF REGULAR LPG DISTRIBUTORS ISSUED BY RESPONDENTS NOS.2 TO 4

RESPONDENT EXHIBITS

- EXHIBIT R3(A) TRUE COPY OF THE DISTRIBUTORSHIP AGREEMENT DATED 17.9.2004 ENTERED INTO

WP(C) Nos. 27016
& 27017 of 2011

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BETWEEN THE PETITIONER AND THE 3RD
RESPONDENT

//TRUE COPY//

PA TO JUDGE