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| <u>Serial No. 07</u> <u>Supplementary List</u> |
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HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 328 of 2025

Date of Decision: 31.07.2025

M/s Sunny Indane Agency,
 Having its office at Nongthymmai, Shillong-793014, Meghalaya
 And being represented by its proprietor,
 Smti Dianghun Christeen Khyriem,
 W/o Shri Peter A. Mawlong,
 R/o Sunny View, Nongshilliang, Nongthymmai, Shillong-793014,
 East Khasi Hills District, Meghalaya **... Petitioner(s)**

Versus

1. The Indian Oil Corporation Ltd.,
 Having its registered office at Indian Oil Bhawan,
 G-9, Ali Yavar Jung Marg, Bandra (East),
 Mumbai-400051
2. The Indian Oil-Assam Oil Division,
 Indian Oil Corporation Ltd.,
 North Guwahati LPG Bottling Plant,
 P.O. College Nagar, Abhoypur, North Guwahati,
 Guwahati-781031 (Assam)
3. The Dy. Deputy General Manager, LPG Sales
 North Guwahati LPG Bottling Plant,
 P.O. College Nagar, Abhoypur, North Guwahati,
 Guwahati-781031 (Assam)
4. The Dy. General Manager (Plant)
 Indian Oil Corporation Ltd.,
 North Guwahati LPG Bottling Plant,
 P.O. College Nagar, Abhoypur, North Guwahati,
 Guwahati-781031 (Assam)

... Respondent(s)



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. K. Paul, Sr. Adv. with
Mr. S. Chanda, Adv.
Mr. S. Khyriem, Adv.
Ms. S. Khatun, Adv.

For the Respondent(s) : Mr. H. Gupta, Adv.

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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
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| ii) | Whether approved for publication in press: | Yes/No |
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JUDGEMENT AND ORDER (ORAL)

1. Heard Mr. K. Paul, learned Senior counsel assisted by Mr. S. Chanda, learned counsel for the petitioner.

2. Issue notice.

3. The respondents are represented by Mr. H. Gupta, learned counsel, who accepts notice on behalf of all the respondents, so no further notice is called for.

4. The petitioner who is stated to be an LPG Gas Agency known as M/s Sunny Indane Agency, is before this Court with the grievance that the respondents in the recent review of credits/debits passed to distributors/transporters on account of Market Return



cylinders in the year 2023-24, have held that credit had incorrectly been passed to the pre-authorized debit (PAD) account for the empty cylinders, which is equivalent to 9.09 MT of LPG amounting to Rs. 6,30,535.4/-, without the ERV slips being signed either by the transporter/distributor, and are now seeking recovery of the said amount by debiting the same from the Accounts of the petitioner's Agency.

5. Mr. K. Paul, learned Senior counsel has submitted that the instant matter emanates from a communication dated 18.02.2025, whereby the petitioner was called upon to submit an explanation with proof and documents, as to why the above cited debit/deduction should not be raised against the said Agency, and that it was also given in the said communication that failure to submit the explanation within the stipulated period, the recovery would be made.

6. The learned Senior counsel then submits that pursuant to the communication, extension of time had been prayed, which was allowed and thereafter on 28.05.2025, the petitioner had informed the respondents that the ERVs, which had been duly signed were available with the Agency, and as such it was prayed that the demand for recovery be withdrawn. Thereafter, he submits, the petitioner was however asked to appear personally before the respondent No. 4 on 16.06.2025, which



was communicated by an e-mail dated 12.06.2025. The petitioner he submits had duly appeared but however, for reasons unknown, by another e-mail dated 29.07.2025, they were informed that they had not been present on the said date. The learned Senior counsel further submits that in spite of presentation of the ERVs on the appointed day, the same had not been recorded, and as such the petitioner is now before this Court praying for appropriate orders and directions, to stay the recovery proceedings.

7. Mr. H. Gupta, learned counsel for the respondents in reply has fairly submitted that in view of the situation as projected by the petitioner, the respondents are prepared to afford another opportunity to the petitioner to comply with the requirements as requested by the letter dated 18.02.2025. In this connection, he further submits that as the petitioner herein has filed the instant petition, it may be put to notice to comply with the same, and to supply the required details within a period of 20(Twenty) days from today and the date for personal appearance thereof, will be fixed by the respondents and communicated individually.

8. Having heard the learned counsel for the parties, and perused the materials on record, it is noted that the subject matter in



issue, is limited only to the questioning of the process which has been adopted by the respondents in ascertaining the ERVs, from the respective Gas Agencies as demanded by a Notice dated 18.02.2025. However, as the respondents through the learned counsel have given an undertaking that the matter will be re-examined, without further dwelling on the facts, this writ petition is disposed of with the direction that the petitioner herein, shall file all the required details as demanded within 20(Twenty) days from the date of this order, and thereafter the respondents shall fix the date accordingly for personal appearance, to present their case, who thereafter shall pass a speaking order in accordance with law. It is further provided till the entire process is complete, no coercive action shall be taken against the petitioner, by the respondents.

9. Needless to add, if any fresh causes of action arises, the petitioner is at liberty to seek appropriate relief.

10. With the above noted directions, the instant writ petition stands closed and is accordingly disposed of.

JUDGE

Meghalaya
31.07.2025
"V. Lyndem-PS"