

ITEM NO.16

COURT NO.13

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6969/2024

(Arising out of impugned final judgment and order dated 19-01-2024 in WRITC No. 24841/2022 passed by the High Court Of Judicature At Allahabad)

INDIAN OIL CORPORATION LTD & ORS.

Petitioner(s)

VERSUS

M/S MITAI FILLING STATION & ORS.

Respondent(s)

(IA No.69999/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.70000/2024-EXEMPTION FROM FILING O.T.)

Date : 01-04-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDALFor Petitioner(s) Mrs. Madhavi Goradia Divan, Sr. Adv.
Ms. Mala Narayan, Adv.
Mr. Shashwat Goel, AOR
Ms. Isha Ray, Adv.
Mr. Vishal Kr. Kaushik, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitioners seeks leave to assail the order dated 19.01.2024 passed by the High Court of Judicature at Allahabad in Writ C No. 24841 of 2022.

Alleging fabrication of equipments and short supply and such other irregularities, a show cause notice was issued to the respondent no. 1 on 28.10.2009, as to why the dealership should not be terminated. Respondent no. 1 thereupon, filed an Original Suit No. 21/2010 before the Civil Judge, Hathras and obtained an interim injunction on termination of dealership on 8.3.2010. Later, the

suit was withdrawn in the year 2022. Subsequently, the petitioners herein issued an order dated 1.8.2022 terminating the dealership of respondent no. 1 to run the retail outlet. The respondent no.1 challenged the said termination order in Writ C No. 24841/2022 which culminated into the impugned judgment.

Heard learned Additional Solicitor General appearing for the petitioners.

The circumstances, specifically referred to in paragraph 11 of the impugned judgment would reveal that relief was granted by the High Court under the impugned order on equitable considerations. It was held that incident in question occurred about 13 years ago and the respondent no. 1 had suffered sufficiently as his dealership was suspended in 2009 and it was revived only in the year 2011. Consequently, the order dated 1.8.2022 whereby the dealership was terminated, was set aside.

We could not find any manifest injustice in adopting such a course in the aforementioned circumstances. In Chandra Singh vs. State of Bihar, reported in (1984) 4 SCC 316, this Court held that the Supreme Court is not only a court of law but a court of equity, as well. In this connection, it is also relevant to refer the following observation in Indian Oil Corporation Ltd. vs. State of Bihar & Ors., reported in (1986) 4 SCC 146:-

“It is not the policy of this Court to entertain special leave petition and grant leave under Article 136 of the Constitution save in those cases where some substantial questions of law of general or public importance is involved or there is manifest injustice resulting from the impugned order or judgment.”

In our opinion, what was stated in the Indian Oil Corporation

Ltd.'s case (supra), applies to this case in view of the factual position obtained and hence, we are not inclined to entertain the Special Leave Petition in exercise of power under Article 136 of the Constitution of India. Consequently, the same is dismissed.

Pending application(s), if any, stands disposed of.

(DR. NAVEEN RAWAL)
DY. REGISTRAR

(MATHEW ABRAHAM)
COURT MASTER (NSH)