HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9467/2019
CNR: RJHC020474622019 | URN: CW / 16690U / 2019

M/s Ghanshyam Das Shyam Sunder, Through Its Partner, Ghanshyam Das S/o Late Shri Ramavtar Agarwal, Aged About 69 Years, R/o Having Registered Office At Jaipur- Delhi Road (Nh-8), Behror, District Alwar (Rajasthan).

----Petitioner

Versus

M/s Bharat Petroleum Corporation Ltd., Through Head Retail, Having Its Office At Bharat Bhawan, 4 And 6 Currimbhoy Road, Ballard Estate, Mumbai Having Local Territory Office At Plot No.a-5 And 6, Sector-I, Noida-201301.

----Respondent

For Petitioner(s)	:	Mr. Akshya Dutt Sharma for Mr. Sandeep Singh Shekhawat
For Respondent(s)	:	Mr. Jai Prakash Gupta

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

01/09/2026

1. Instant Civil Writ Petition under Article 227 of the Constitution of India has been filed by and on behalf of petitioner way back on 24.05.2019 seeking following prayer:

> "It is therefore, most respectfully prayed that this Hon'ble court may very graciously be pleased to accept and allow this writ petition and further be pleased to:
>
> (i) Quash and set aside further proceedings before the trial court in civil suit No.79/2015 after 23.9.2016 and the dispute raised in the civil suit be referred to the arbitrator in terms of the direction of the Hon'ble Court and the order dated 30.1.2019 and 22.5.2019 passed by the trial court.
>
> (ii) quash and set aside the order dated 16.5.2019 and action dated 21.5.2019, whereby the dispute has been concluded

> without the same being referred to the arbitrator and the dealership of the petitioner has wrongly been terminated.
> (iii) further quash and set aside any consequential action initiated by the respondents after the direction of the Hon'ble Court dated 23.9.2016.
> (iv) Any other order or direction which the Hon'ble Court may consider just and proper in favour of the petitioner may also kindly be passed in favour of the petitioner.
> (v) Cost of the writ petition be also awarded in favour of the petitioner."

2. Counsel for petitioner, at the outset, states that the dealership of retail outlet, allotted to petitioner under the memorandum of agreement dated 23.12.2015 (Annx.1) was valid for a period of five years and the dealership has expired w.e.f. 22.12.2020, hence in that view, the prayer made in the writ petition has rendered infructuous. However, submission of counsel for petitioner is that the assets, inventories and equipments of the retail outlet, installed by the respondent-BPCL, have not been removed from the site, therefore respondent-BPCL should be instructed to remove its assets, inventories and equipments. Learned counsel further submits that the land on which the retail outlet was established belongs to petitioner and a lease deed was executed by the petitioner in favour of BPCL which too has come to an end due to expiry of term of lease period w.e.f. 28.12.2023.

3. Learned counsel appearing on behalf of BPCL states that since petitioner itself has created hurdle by erecting a wall, depriving access by respondent to enter at site and to remove the assets, inventories and equipments of retail outlet, hence, same could not be lifted/removed. If petitioner permits access by respondent to the site, respondent shall lift/remove their assets, inventories and equipments of retail outlet.

4. Counsel for petitioner, having instructions, admits that respondent may visit at the site and the petitioner would not create any hurdle or obstruction for having access by the respondent to the dispensation unit/site and would facilitate to respondent, for removing their assets, inventories and equipments of retail outlet from the site in question.

5. In that view of the matter, this Court is not required to enter into merits/demerits of the impugned order because to that extent, writ petition has rendered infructuous. However, as per the mutual understanding arrived at between both the parties, it is hereby observed that the respondent-BPCL may visit and lift/remove its assets, inventories and equipments of the retail outlet from the site in question and petitioner shall provide access to the respondent and not object in the process of lifting/removing of the dispensation unit rather provide required assistance to remove the dispensation unit(s) from his land. The exercise is expected to be completed within a period of three months for which both parties are agreeable.

6. With the aforesaid observations, instant writ petition stands disposed of.

7. All pending application(s), if any, stand(s) disposed of.

(SUDESH BANSAL),J

52/RONAK JAIMAN