

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7799 OF 2013
(Arising out of SLP(C) No.14775/2012)

HINDUSTAN PETROLEUM CORPORATION LTD. Appellant(s)
:VERSUS:
M/S. SIBA GAS AGENCY & ORS. Respondent(s)

O R D E R

Leave granted.

2. Heard Mr. Shyam Diwan, learned senior counsel in support of this appeal and Mr. Manish Pitale, learned counsel appearing for the respondents. Both the counsel have made their submissions. The respondent No.2 herein was allotted an L.P.G. Dealership in the City of Amaravati. There were certain grievances with respect to the functioning of respondent No.2, including that the respondent had taken a partner in the business without prior permission of the appellant. It is the case of respondent No.2 that after the agency was terminated, respondent No.2 filed an appeal and thereafter she moved the High Court by filing a writ petition. It is seen that the writ petition was

filed nearly 2 years after the termination of the agency. Meanwhile, no supply of L.P.G. Cylinders is being made to the respondent agency and as per usual practice, the L.P.G. consumers were assigned the other agency.

3. There is an arbitration clause for resolution of the disputes between the parties according to which, any dispute or difference shall be referred to the sole arbitration of the Managing Director of the appellant Corporation or of some officer of the Corporation who may be nominated by the Managing Director. The better course now, therefore, for the parties is to go for arbitration. Respondent No.2 may approach the Managing Director of the appellant Corporation for that purpose. In view of this, we allow this appeal and set aside the order passed by the High Court. The parties are relegated to the agreed remedy of arbitration.

.....J
(H.L. GOKHALE)

.....J
(J. CHELAMESWAR)

New Delhi;
September 2, 2013.