

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5826 OF 2006

**DELHI GATE AUTO SERVICE STATION &
ORS.**

.....APPELLANT(S)

Versus

**B.P.C.L. AGRA TH. SR.DIV. MANAGER &
ORS.**

.....RESPONDENT(S)

**WITH
C.A.NO. 5827/2006**

ORDER

The question in these appeals is regarding the correctness of the judgment of the High Court dismissing the writ petitions by the appellants herein. The controversy was regarding dealership of two petrol retail outlets. The dealership was terminated by the respondent-Bharat Petroleum Corporation Ltd., 'BPCL' for short. That termination was challenged. The matter was remanded by the High Court in the first round with an observation that the BPCL should hear the appellants and consider the objections. Accordingly, show-cause notice was issued. That show-cause notice was also replied to by the appellants by giving various reasons as to why the termination should not have been effected. Later on, the BPCL terminated the dealership. That was challenged by filing writ petitions. However, as per the terms of the agreement of dealership, the appellants also approached the arbitration. Now it is reported that arbitration is over and the award has gone against the appellants which award has also been further challenged.

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2. In that view, it will not be possible for us to entertain this appeal. In fact, the

writ petitions itself could not have been entertained on the ground that two parallel remedies could not have been pursued by the appellants at one and the same time. The writ petition was rightly dismissed. We do not find any merit in these appeals. They are dismissed without any order as to costs. This order should not be viewed as any expression on the merits of the matters.

.....J.
(V.S. SIRPURKAR)

New Delhi;
May 25, 2009.

.....J.
(R.M. LODHA)

