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W.P.No.20328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.20328 of 2024

and

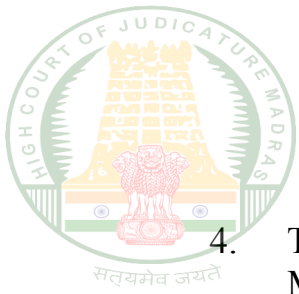
WMP.No.27115 & 22255 of 2024

Tamil Nadu Petroleum Dealers Association,
Represented by its Secretary
No.17, 10th Street, Kalaingnar Nagar,
Tiruvottiyur, Chenani - 600 019.

...Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat,
Fort St. George, Chennai - 600 019.
2. The Principal Secretary / Commissioner to the Government,
Labour Welfare and Skill Development Department,
Secretariat,
Fort St. George, Chennai - 600 009.
3. The Controller of Legal Metrology,
(Weights and Measures),
Government of Tamilnadu,
DMS Compound,
Teynampet, Chennai - 600 006.



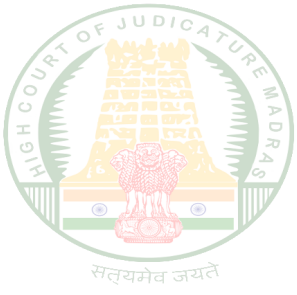
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4. The Director (Legal Metrology),
Ministry of Consumer Affairs, Food & Public Distribution,
Department of Consumer Affairs,
Room No.461-A, H-Wing,
Krishi Bhavan, New Delhi – 110 001.
5. The Executive Director / State Level Coordinator,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
No.139, Nungambakkam High Road, Chennai - 600 034.
6. The State Head (Retail),
Bharat Petroleum Corporation Limited,
No.1, 15th Main Road, Ranganathan Garden,
Anna Nagar, Chennai - 600 040.
7. The Chief General Manager,
Hindustan Petroleum Corporation Limited,
Thalamuthu Natarajan Building,
Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai - 600 008.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd, 5th, 6th and 7th Respondents to implement, in letter and spirit, the Standard Operating Procedure (S.O.P) dated 19.08.2023 formulated and adopted by all the stakeholders, to achieve uniform and transparent calibrations of all the Depot towers / Prover vessels at the OMC installations belonging to the 5th, 6th and 7th Respondents in time and to institute the system of direct advance payments towards stamping fees by the 5th, 6th and 7th respondents to the 3rd respondent to ensure timely calibration and stamping of all the fuel dispensing equipments at the dealer premises.



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For Petitioner : Mr.V.B.R.Menon

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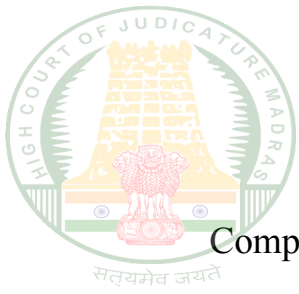
For Respondents : Mr.LSM.Hasan Fizal, AGP, for R1 to R3
: Mr.K.Subbu Ranga Bharathi, CGSC, for R4
: Mr.Mohammed Fayaz Ali, for R5 & R7
: M.Vijaya Mehanath, for R6

ORDER

Though the Miscellaneous petition in WMP.No.27115 of 2024 has been filed seeking to fix an early date for disposal of the writ petition, in view of the consent expressed by the learned counsel on either side, the main Writ petition itself is taken up for final disposal.

2. The Writ petition has been filed seeking direction to the respondents 3rd, 5th, 6th and 7th Respondents to implement the Standard Operating Procedure (S.O.P) dated 19.08.2023 and to institute the system of direct advance payments towards stamping fees by the 5th, 6th and 7th respondents to the 3rd respondent to ensure timely calibration and stamping of all the fuel dispensing equipments at the dealer premises.

3. The case of the petitioner is that, the petitioner association acts as an interface between the individual dealers and the Oil Marketing



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Companies (in short 'OMCs') and takes up common issues of the petroleum dealers to find timely resolutions for the same. Proper and timely calibration of Tank Towers/Prover Vessels at the OMC installations and delivery of correct quantities of products by the OMCs to the dealers are vital to the existence and viability of trade by the dealers. Moreover, the OMCs being Public Sector Undertakings, have a bounden duty to ensure transparency, fairness and non-exploitativeness towards their dealers. In this regard, a round table workshop was held by all the stakeholders on 09.06.2023 on the urgent need to implement the Standard Operating Procedure (in short 'S.O.P') dated 19.08.2023. However, till date the said S.O.P dated 19.08.2023 was not implemented by the respondents, despite several directions and only if the exercises are conducted as per procedures laid down in the said S.O.P, the lethargic attitude and the superior mindset of the OMCs can be controlled. In this regard, though the petitioner made several representations, the same evoked no response. Hence, this Writ petition.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues



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direction to the 3rd respondent to implement the Standard Operating Procedure dated 19.08.2023 within the time stipulated by this Court.

5. On the above said contentions, heard learned counsel appearing for the respective respondents and perused the materials available on records.

6. In view of the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the 3rd respondent to take effective steps to implement the Standard Operating Procedure dated 19.08.2023 within a period of six months from the date of receipt of a copy of this order, after receiving comments from the OMCs, if there is no legal impediment.

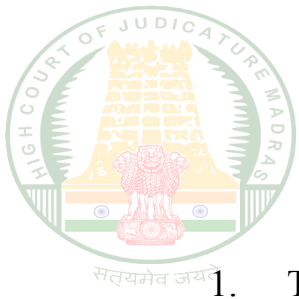
7. With the above direction, this Writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No
To

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M.DHANDAPANI, J.

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