

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 987 OF 2024

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against Order Dated 16/07/2024 in WP.No.18760 of 2024. on the file of the High Court.

Between:

1. Shri Ambika Devi Gas Agency, LPG Distributors of HPCL 4-1-503/2, Alampally Main Road Vikarabad - 501102 Represented by Mr. K Chaitanya Samrat S/o. Shri K Sanjiva Kumar, Occ. Proprietor.
2. Nirmal Gas Supplies, HP Gas Dealer Nirmal -504106 Represented by its Proprietor Smt. Allola Aruna.
3. BS Enterprises, LPG Distributors of HPCL Road no 66 Jubilee Hills, Hyderabad Represented by Mr. B Rsrinivas (Partner) S/o B Kistaiah.
4. Vimal Gas Agencies, LPG Distributors of HPCL 2-5-286/9, Tirupally Adilabad -504 001 Rep by its G. Samuel Satish Kumar (Partner)
5. Srinivasa Enterprises, LPG Distributor of HPCL 15 - 18/A/1, Sri Sai Nagar Siddipet - 502103 Represented by Mr. Manne Mahesh Kumar S/o Manne Gopal, Occ. Proprietor. .
6. Sree Maanasa Gas Agency, LPG Distributor of HPCL Vijay Nagar Colony, Kukatpally- 500072 Rep by its Proprietor Sri K. Aanandh.
7. Ratna Agencies, LPG Distributors of HPCL Ground floor Mahankali elite Adagutta Society Kukatpally Hyderabad - 500072 Represented by Mr. Vasisht Vodithala (Partner) S/o Kishen Rao V.
8. Hanuman Gas Agency, LPG Distributor of HPCL 19-4-8-115/1, Bandlaguda road Chandrayangutta, Hyderabad 500005 Represented by Mr.V.Kaushik Occ. Proprietor.
9. Shivam Indane (IOCL), Dichpally, Nizamabad District Rep by Mr. B.Manohar Pushpa (Partner)
10. Uppal Gas Service, IOC, 2-1-35/A Saraswati Colony Uppal, Hyderabad-500039 Medchal Malkajgiri District Prop Name. Y Eshwar Kumar (Partner) S/o Yerram Koteshwar Rao.
11. M/s Kamala Enterprises, LPG Distributor of HPCL H No. 19-5-9/20, Housing Board Colony Bahadurpura, Hyderabad - 500064. Represented by E S Vijaya Laxmi (Partner).
12. Sri Sangameshwara Gas Service, LPG Distributors of HPCL 25-35/11/D, Ramachandrareddy Nagar Ramachandrapuram, Sangareddy -502032 Represented by Mr. P.Vidya Sagar S/o. Sangappa, Occ. Proprietor.
13. Namrata Gas Agency (IOCL), Kukatpally Medchal District Rep by Smt. K.Bharathi (Partner).
14. Shiv Sai Krishna Services, LPG distributor for HPCL 15-7-154/1, Kolsawadi Begum Bazar 500012 Represented by Rajendra Prasad (Partner) S/ o. Late Krishna Prasad Shant.

15. Vanasthali Gas Service, LPG distributor for HPCL Vanasthalipuram, Hyderabad -500070 Rep by its Proprietor Mr. K.Narasimha Murthy
16. Samatha Shiva Shakti Enterprises, LPG distributor for HPCL Kothapet, Hyderabad -500070 Rep by its Proprietor Mr. P.Venkat Reddy
17. Kalpana Gas Agency, Indane No 29and30, Alluri Commercial Complex Opp. KPHB, Hyderabad-500072 Represented by Mr. G.Chetan Reddy (Partner)
18. Ajit Enterprises, LPG distributor of HPCL Pillar No.90, PVNR express way Mehdipatnam Ring Road, Hyderabad Represented by M.V. Rama Raju (Partner) S/o. M.krishnam Raju.
19. Sri Sai Krishna Gas Agency, LPG Distributor (HPCL) H.No. 1-72/2/12and13, Cyber Hills Colony Babu Khan lane, Gachibowli, Ranga Reddy-32 Represented by Mr. S.Sreenivas (Partner)
20. Sri Gajanan Gas Agencies, HP Gas Distributor H.No .8-13 -96/55, Bharat Nagar Shivrampally-52 Rep by Shantanu Udgirkar (Partner).
21. Swapna Gas Agency, LPG Districutor of BPCL 1-4-134/18/2/A1, Mettugadda, Mahabubnagar -509001 Rep by Mr. N.Laxmikantha Reddy (Partner)
22. M/s. Padmaja Gas Agencies, LPG distributor of BPCL Yadgiri Road, Narayanpet -509210 Rep by Smt.G.Padmaja (Partner).
23. Laxmi Srinivasa Gas Agency, LPG distributor for HPCL Ijaza, Gawal District-509152 Rep by its Proprietor Mr. Dr.Y. Ram Kumar.
24. M/s. Sree Shirdi Sai Indane Service, Hayathnagar, Hyderabad Rep by its Proprietor Mr. G.Dhanraj.
25. Sri Srinivasa Gas Service, Hasthinapuram, B.N.Reddy Rangareddy -500070 Rep by K. Srinivasulu (Partner).
26. Sampelly Gas Service, Indane, 7 Ram s Enclave, Erragadda, Hyderabad-500018 Rep by J.Kishan Rao (Partner)
27. M/s. Sri Venkatasai Gas Agency, LPG Distributor of HPCL Plot Nos. 13 and14, Shankarpally, Rangareddy -501203 Represented by Smt. V.Sreedevi Occ. Proprietor.
28. M/s. Srinivasa Enterprises LPG Distributors of HPCL, 18-07-455/A Gowlipura Hyderabad Represented by Mr. M. Rajender Reddy Occ. Proprietor.
29. Maruti Gas Agency, LPG distributor of BPCL Bowenpally, Secunderabad Rep by K.Anjan Kumar (Partner)
30. Venkateshwara Gas Agency, LPG Distributors of HPCL Vasavi Colony , Miryalaguda Rep by its Proprietor Mr. V.V.L.Pratap
31. Roshan Gas Agency, LPG Distributors of HPCL Alampur Cross Road, Pullur village Rep by M.D.Kaleem (Partner)
32. Krupa Gas Suppliers, Indane Gas Distributors Deepak Electricals Line Gandhinagar Colony Bhainsa, Nirmal -504103 Rep by Mr.V.Satyanarayana Goud Occ. Proprietor.
33. Gruha Laxmi Enterprises, Indane Gas Distributors I.D.A., Jedimetla, Hyderabad Rep by its Proprietor Maj. Vivek (Retd)

AND

...APPELLANTS/WRIT PETITIONERS

1. Union of India, through the Secretary, Ministry of Petroleum and Natural Gas, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi - 110001.
2. Indian Oil Corporation Ltd, Rep By its Chairman and Managing Director Indian Oil BhaVan, G-9, Ali Yavar Jung Marg Bandra (East), Mumbai - 400051.
3. Bharat Petroleum Corporation Ltd, Rep By its Chairman and Managing Director Bharat Bhavan, 4and6 Currimbhoy Road, Ballard Estate, Mumbai - 400001.
4. Hindustan Petroleum Corporation Ltd, Rep By its Chairman and Managing Director, Petroleum House, 17, Jamshedji Tata Road, Mumbai - 400020.
5. Divisional Manager -LPG, Indian Oil Corporation Ltd, Hyderabad.
6. Territory Manager -LPG, Bharat Petroleum Corporation Ltd, Hyderabad.

7. Regional Manager -LPG, Hindustan Petroleum Corporation Ltd Hyderabad Region, Secunderabad.

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the circulars dated 04/01/2018 (Ref. No. S1/1601) and 30/11/2018 issued by the respondents, pending the final adjudication of the Writ Appeal

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue an injunction restraining the respondents from transferring the existing customer base of the appellants to new or underperforming distributors pursuant to the impugned circulars, pending the final adjudication of the Writ Appeal

**Counsel for the Appellant: SRI A. SUDARSHAN REDDY SENIOR COUNSEL
REP M/S. INDUS LAW FIRM**

**Counsel for the Respondent No. 1: SRI GADI PRAVEEN KUMAR
Dy. SOLICITOR GEN. OF INDIA**

Counsel for the Respondent Nos. 2,3,5to6: SRI DOMINIC FERNANDES

**Counsel for the Respondent Nos.4&7 SRI B. MAYUR REDDY
SENIOR COUNSEL REP
SRI SAINI ARAVIND**

The Court made the following: JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT APPEAL No. 987 of 2024

JUDGMENT: (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. A. Sudarshan Reddy, learned Senior Counsel represents M/s. Indus Law Firm, learned counsel for the appellants.

Mr. B. Mayur Reddy, learned Senior Counsel represents Mr. Saini Aravind, learned counsel for respondent Nos.4 and 7.

2. This intra court appeal emanates from an order dated 16.07.2024 passed in I.A.No.1 of 2024 in Writ Petition No.18760 of 2024. By the said interim order, the learned Single Judge has not adjudicated the prayer for interim relief on the ground that the issue is *sub judice* before the Supreme Court.

3. Learned counsel for the appellants submits that the learned Single Judge ought to have dealt with the prayer made by the appellants for grant of interim relief on merits by a

speaking order. The submission that the prayer made by the appellants seeking interim relief requires to be dealt with by a speaking order is not disputed by the learned Senior Counsel for respondent Nos.4 and 7.

4. We have considered the submissions made on both sides.

5. It is well settled in law that the Supreme Court in **Hindustan Times Ltd. v. Union of India**¹ while emphasizing on giving of reasons by the High Court observed that the necessity to provide reasons, howsoever brief, in support of the High Court's conclusions is too obvious to be reiterated. It has further been held that obligation to give reasons introduces clarity and excludes or at any rate minimizes the chances of arbitrariness. Similar view was taken in **Special Director v. Mohd. Ghulam Ghouse**² wherein the Supreme Court has held that it is certainly desirable and proper for the High Court to indicate the reasons which have weighed with it for granting such interim order.

¹ (1998) 2 SCC 242

² (2004) 3 SCC 440

6. The learned Single Judge has not assigned any reason while deciding the prayer made by the appellants for grant of interim relief. Therefore, the interim order dated 16.07.2024 passed by the learned Single Judge, in I.A.No.1 of 2024 is set aside. We request the learned Single Judge to deal with the prayer for interim relief afresh by a speaking order.

7. The Writ Appeal is accordingly disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- T. SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

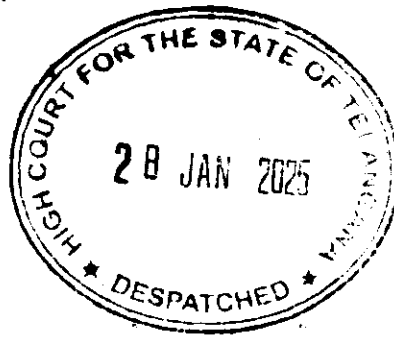
1. The Secretary, Union of India, Ministry of Petroleum and Natural Gas, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi - 110001.
2. The Chairman and Managing Director , Indian Oil Corporation Ltd, Oil BhaVan, G-9, Ali Yavar Jung Marg Bandra (East), Mumbai - 400051.
3. The Chairman and Managing Director Bharat Petroleum Corporation Ltd Bharat Bhavan 4and6 Currimbhoy Road, Ballard Estate, Mumbai - 400001.
4. The Chairman and Managing Director Hindustan Petroleum Corporation Ltd, Petroleum House, 17, Jamshedji Tata Road, Mumbai - 400020.
5. The Divisional Manager -LPG, Indian Oil Corporation Ltd, Hyderabad.
6. The Territory Manager -LPG, Bharat Petroleum Corporation Ltd, Hyderabad.
7. The Regional Manager -LPG, Hindustan Petroleum Corporation Ltd Hyderabad Region, Secunderabad.
8. One CC to M/S. INDUS LAW FIRM, Advocate [OPUC]
9. One CC to SRI. GADI PRAVEEN KUMAR ,Dy. SOLICITOR GEN. OF INDIA [OPUC]
10. One CC to SRI. SAINI ARAVIND, Advocate [OPUC]
11. One CC to SRI. DOMINIC FERNANDES, Advocate [OPUC]
12. Two CD Copies

B M
GJP

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HIGH COURT

DATED:17/12/2024



JUDGMENT

WA.No.987 of 2024

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

(14)

kp
7/1/25