

Application filed by OMC's Advocate for disposal  
SLP

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2024

IN

**SPECIAL LEAVE PETITION (C) NO. 14419 OF 2022**

**IN THE MATTER OF:**

Jagadamba Service Station & Ors.

... Petitioners

-Versus-

Indian Oil Corporation Ltd. & Ors.

... Respondents

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1.	Application under Order LV Rules 1 & 6 of the Supreme Court Rules, 2013 on behalf of the Respondent Nos. 1 to 3 for disposal of the above-mentioned SLP in terms of the Settlement Agreement dt. 03.10.2024 alongwith affidavits.	1 - 9
2.	<b><u>Annexure-1:</u></b> Copy of Settlement Agreement Dt. 03.10.2024.	10 - 16
	i) Annexure-A: Copy of modifications/ amendments in 2017 Amendments.	17 - 23
	ii) Annexure-B: Copy of Minutes of Meeting dt. 28.08.2024.	24 - 28

**PARIJAT SINHA**

Advocate for the respondent Nos. 1 to 3

Lawyers' Chamber No.5

Supreme Court Compound

New Delhi -110001

Dated: 04.10.2024

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**PRAYER:**

It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to:-

- i) **DISPOSE** of the above-mentioned SLP (C) No. 14419/ 2022 in terms of the said Settlement Agreement dt. 03.10.2024 annexed hereto by making the said Settlement Agreement dt. 03.10.2024 a part of the order of this Hon'ble Court; and
- ii) PASS such other and/or further order(s) and/or direction(s) as this Hon'ble Court may deem just and proper.

FILED BY:

PARIJAT SINHA  
Advocate for the Respondent Nos. 1 to 3

Dated: 04.10.2024

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... Respondents

**AFFIDAVIT**

I, Amit Kumar s/o Shri Rama Nand, aged about 46 years, working for gain with Indian Oil Corporation Ltd. (IOCL), having its Delhi Divisional Office at 2<sup>nd</sup> Floor World Trade Centre Babar Road, New Delhi – 110001, do hereby solemnly affirm and state as follows:-

1. That I am working as Divisional Retail Sales Head, Delhi Divisional Office with the respondent no.1/ IOCL. As such, I am aware of the facts and circumstances of the case and am competent to depose thereon.
2. That the statements of facts in the accompanying application under Order LV Rules 1 & 6 of the Supreme Court Rules, 2013 being filed jointly for disposal of the above-mentioned SLP by the petitioner and the respondent Nos.1 to 3 are true to my knowledge



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and/or are true to the records of the case. Rest of the statements are in the nature of submissions to this Hon'ble Court.

3. That the annexures to the accompanying application are true copies of their respective originals.


  
DEPONENT

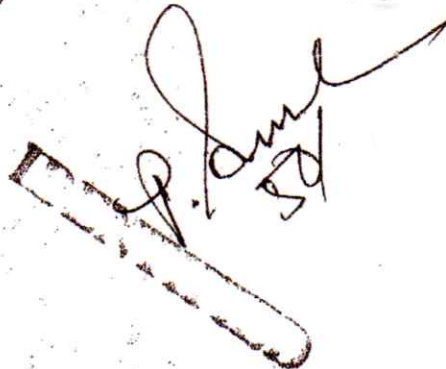
**VERIFICATION:**

I, the deponent abovenamed, do hereby verify that the contents of the foregoing affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified on this the 4<sup>th</sup> day of October, 2024.

  
DEPONENT

  
ATTESTED  
DIPANKAR DAS  
ADVOCATE  
NOTARY PUBLIC  
REGD. NO. 916  
GOVT. OF INDIA  
LAWYERS CH  
SUPREME COURT OF INDIA  
NEW DELHI



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**IN THE SUPREME COURT OF INDIA**

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Jagadamba Service Station & Ors.

... Petitioners

-Versus-

Indian Oil Corporation Ltd. & Ors.

... Respondents

**AFFIDAVIT**

I, Shivaji Choudhury s/o Late Sh. Ranjan Choudhury, aged about 40 years, working for gain with Bharat Petroleum Corporation Ltd. (BPCL) having its office at Bijwasan Installation, Bijwasan, Delhi, do hereby solemnly affirm and state as under:-

1. I am working as Territory Manager (Retail) with the respondent No. 2/ BPCL and as such, I am aware of the facts and circumstances of the case and am competent to depose thereon.
2. That the statements of facts in the accompanying application under Order LV Rules 1 & 6 of the Supreme Court Rules, 2013 being filed jointly for disposal of the above-mentioned SLP by the petitioner and the respondent Nos.1 to 3 are true to my knowledge



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and/or are true to the records of the case. Rest of the statements are in the nature of submissions to this Hon'ble Court.

3. That the annexures to the accompanying application are true copies of their respective originals.

 DEPONENT

**VERIFICATION:**


I, the deponent abovenamed, do hereby verify that the contents of the foregoing affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.


Verified on this the 4<sup>th</sup> day of October, 2024.

 DEPONENT



ATTESTED

  
04/10/24  
DIPANKAR DAS  
ADVOCATE  
NOTARY PUBLIC  
REGD. NO. 916  
GOVT. OF INDIA  
LAWYERS CHAMBER  
SUPREME COURT OF INDIA  
NEW DELHI

  
P. Singh  
1507

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A. NO.        OF 2024  
IN

SPECIAL LEAVE PETITION (C) NO. 14419 OF 2022

IN THE MATTER OF:

Jagadamba Service Station & Ors.

... Petitioners

-Versus-

Indian Oil Corporation Ltd. & Ors.

... Respondents

AFFIDAVIT

I, Anju Jai Misra w/o Sh. J.N. Misra, aged about 57 years, working for gain with Hindustan Petroleum Corporation Ltd. (HPCL) having its office at 6<sup>th</sup> Floor, Scope Minar Building, Laxmi Nagar, Delhi -110092, do hereby solemnly affirm and state as under:-

1. I am working as General Manager-Delhi Retail Regional Office with the respondent No. 3/ HPCL and as such, I am aware of the facts and circumstances of the case and am competent to depose thereon:
2. That the statements of facts in the accompanying application under Order LV Rules 1 & 6 of the Supreme Court Rules, 2013 being filed jointly for disposal of the above-mentioned SLP by the petitioner and the respondent Nos.1 to 3 are true to my knowledge



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and/or are true to the records of the case. Rest of the statements are in the nature of submissions to this Hon'ble Court.

3. That the annexures to the accompanying application are true copies of their respective originals.

*Anji jai Meene*  
DEPONENT

**VERIFICATION:**

I, the deponent abovenamed, do hereby verify that the contents of the foregoing affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified on this the 4<sup>th</sup> day of October, 2024.

*Anji jai Meene*  
DEPONENT



*04.10.24*

ATTESTED  
DIPANKAR DAS  
ADVOCATE  
NOTARY PUBLIC  
REGD. NO. 516  
COURT OF INDIA  
LAWYERS CHAMBER  
SUPREME COURT OF INDIA  
NEW DELHI

*[Signature]*  
30/

ITEM NO.29(MM)

COURT NO.7

SECTION XIV

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 11322/2022

(Arising out of impugned final judgment and order dated 10-01-2022 in LPA No. 30/2021 passed by the High Court Of Delhi At New Delhi)

ALL HARYANA PETROLEUM DEALERS ASSOCIATION

Petitioner(s)

VERSUS

INDIAN OIL CORPORATION LTD. &amp; ORS.

Respondent(s)

(IA No. 231026/2024 - APPLICATION FOR DISPOSAL OF SLP BY THE RESPONDENT, IA No. 185186/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 89704/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 79816/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 89705/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(C) No. 5156-5157/2022 (XIV)

(IA No. 231024/2024 - APPLICATION FOR DISPOSAL OF SLP BY THE RESPONDENT, IA No. 18916/2023 - APPLICATION FOR PERMISSION, IA No. 119929/2022 - DELETING THE NAME OF PETITIONER/RESPONDENT AND IA No. 8296/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA 239916/2024-WITHDRAWAL OF CASE/APPLICATION AND 240104/2024-INTERVENTION/IMPLEADMENT)

SLP(C) No. 14419/2022 (XIV)

(IA No. 231381/2024 - APPLICATION FOR DISPOSAL OF SLP BY THE RESPONDENT, IA No. 27003/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 107662/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 72183/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 5291/2022 (XIV)

( IA No. 231031/2024 - APPLICATION FOR DISPOSAL OF SLP BY THE RESPONDENT, IA No. 230999/2024 - APPLICATION FOR DISPOSAL OF SLP, IA No. 119859/2022 - DELETING THE NAME OF PETITIONER/RESPONDENT)

SLP(C) No. 9429/2022 (XIV)

(IA No. 231384/2024 - APPLICATION FOR DISPOSAL OF SLP BY THE RESPONDENT, IA No. 232704/2024 - APPLICATION FOR SETTLEMENT, IA No. 57553/2022 - DELETING THE NAME OF PETITIONER/RESPONDENT, IA No. 57553/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 75703/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND 232704/2024-FOR SETTLEMENT)

SLP(C) No. 8002/2022 (XIV)

Valid till  
 17/09/2024  
 Date: 17/09/2024  
 Reason: 17/09/2024

(IA No. 231377/2024 - APPLICATION FOR DISPOSAL OF SLP BY THE RESPONDENT AND IA No. 63936/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Dhiraj Abraham Philip, AOR  
Mr. Febin Mathew Varghese, Adv.  
Ms. Achalika Ahuja, Adv.

KERALA

Mr. G. K. Bansal, AOR  
Mr. Ajay Choudhary, Adv.  
Ms. Swati Bansal, Adv.

AIPDA

Mr. Devvrat, AOR  
Dr. Pabitra Pal Chowdhury, Adv.  
Mr. Kumar Utkarsh, Adv.  
Ms. Harshita Sharma, Adv.  
Mr. Devesh Kumar Agnihotri, Adv.

NORTH BENGAL

Mr. Anand Varma, AOR  
Ms. Apoorva Pandey, Adv.

TN-KARNATAKA  
HARYANA

Mr. Nagesh, Adv.  
Mr. Shekhar Kumar, AOR  
Mr. Dhruv Singh, Adv.  
Mr. Yogesh Sham Sonawane, Adv.

BIHAR

For Respondent(s) Mr. Tushar Mehta, Solicitor General  
Mr. K.M. Nataraj, A.S.G. (NP)  
Mr. Parijat Sinha, AOR  
Mr. Rudra Dutta, Adv.  
Mr. Divyam Dhyani, Adv.

OMC'S

Ms. Aishwarya Bhati, A.S.G. (NP)  
Ms. Ruchi Kohli, Adv.  
Ms. Chitrangda Rastravara, Adv.  
Mr. Jitendra Kr Tripathi, Adv.  
Mr. Amit Sharma-b, Adv.  
Mr. Shaurya Rai, Adv.  
Mr. Raman Yadav, Adv.  
Dr. N. Visakamurthy, AOR

Mr. G. K. Bansal, AOR  
Mr. Ajay Choudhary, Adv.  
Ms. Swati Bansal, Adv.

Mr. Amrish Kumar, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

UPON hearing the counsel the Court made the following  
O R D E R

These matters have been taken up on a mention being made by learned Solicitor General of India appearing for the respondents, stating that in all these six matters, settlement have been arrived at between the parties and as such these petitions may be disposed of in terms of the Settlement Agreement(s).

All the learned counsel appearing for the petitioners and respondents in the respective cases are present and are *ad idem* with learned Solicitor General.

Accordingly, applications (IA Nos. 231026/2024, 231024/2024, 231381/2024, 231031/2024, 231384/2024 and 231377/2024) annexing the Settlement Agreements as also applications bearing I.A. Nos. 230999/2024 and 232704/2024 are allowed and these petitions are disposed of in terms of the settlement arrived at between the respective parties.

It is made clear that these matters have been disposed of on the basis of the settlement arrived at between the parties and the Court has not examined any of the issues on merit.

Pending applications, including impleadment/ intervention shall stand disposed of.

(NEETU KHAJURIA)  
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)  
COURT MASTER

# TAMILNADU PETROLEUM DEALERS ASSOCIATION

Communication Address : No.10, Dr. Madhuran Colony, 2, Cross West, Thillai Nagar, Trichy - 600 018

**President**

**K.P. MURALI**

94433 60006

murali\_braddy@yahoo.com

**Gen. Secretary**

**M. HYDER ALI**

98421 40292

hyder\_tnpda@yahoo.com

**Treasurer**

**K. MANIMARAN**

94431 45533

manimarank@hotmail.com

**11.11.2024**

To

**Shri Sukhmal Jain**

**Director - Marketing**

**Bharat Petroleum Corporation Limited**

**Mumbai**

Dear Sir,

**Sub: Enhancement of Dealer Margin effective 30.10.24**

**Ref: Your letter dated 29.10.2024.**

May we invite your kind attention to the letter cited at reference above wherein it is indicated that Dealer Margin has been increased to all categories of Dealers with emphasis on alleviating the hardship of Dealers where the throughput is less than 170 KLPM.

It is also indicated that all relevant factors of the Margin Component have been considered including such cost factors as E-Locking, VSAT/SDWAN and Loyalty Charges etc while calculating the revised margin.

The affirmation that the cost factors such as E-lock, VSAT/SDWAN and Loyalty Charges have been factored in the recent revised margin calculation provides information that these cost factors were being debited to the SOA/SAP accounts of the Dealers all these Years without making any provision in the previous margin calculation which in itself is a cost to the Dealer.

President Office Address : 8, Bharathi Road, Cuddalore - 607 001, TamilNadu.

Secretary Office Address : 33, Dindigul Road, Oddanchatram - 624 619, TamilNadu.



Dealer Fraternity has suffered utmost since 2016 when the **Demonetization** took place when we were used as catalysts to keep the wheels of economy moving. **Covid-19** saw volumes plummeting & Dealers faced the brunt when their Capital eroded due to non-recovery of Credit Sales & having to incur fixed costs in the form of Manpower cost, Electricity charges etc. Loss of lives of a few Dealers for failing to service the debt due to Bad Debts during Covid-19 crippled the confidence of the Dealers. During both these occasions Dealers have been in the forefront delivering the best of Customer Service Standard & keeping the flag of OMC's flying high without any compromise.

There has been a manifold increase in the cost of operating the retail outlet since the days of pre-revision of Dealer Margin 01.08.2017 due to Digitalization and Technological advancement. Having to absorb various costs out of the wafer thin margin it leaves very little for the Dealership.

We are well aware that the Dealer Margin Structure in three main components.

**Fixed Dealer Margin**

**Variable dealer Margin**

**Differential dealer margin**

### **1. Fixed Dealer Margin**

These are few components Return on capital investment / NFA ( Net fixed assets) Returns of land and building, Returns of plant and machinery, Operating cost, dealer remuneration, staffs ,salaries.

### **2 Variable dealer margins**

Returns on working capital, Product cost for MS and HSD, Product loss (evaporation).

### **3. Differential Dealer Margin.**

We are getting reimbursement of our expenditures through our retail sales. Dealer remuneration is the only part we are getting as income (Net Profit). During the Mumbai meeting held on 22.2.2024, at Mumbai, entire association leaders asked to increase the dealer remuneration from Rs 27500/- for 170 KLPM to Rs 200000/- and include the new expenditures which the retail outlet dealers have to incur in present scenario to operate the outlet, which were never in existence a decade ago.

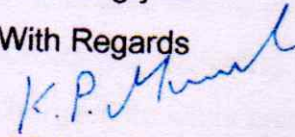
We have vide our letter dated 24.10.2024 requested for a meeting prior to the announcement of dealer margin. Much to our chagrin the Dealer Margin was announced to be effective from 30.10.24 without such a meeting taking place.

While the letter at reference above states that all relevant cost factors have been included in the revised Dealer Margin Calculation, as Your Channel Partner we may please be provided with the various costs which have been factored in the Dealer Margin. As you are aware a prudent businessman to be successful needs to be aware of the various costs one has to incur in operating his business.

We would like to know the break-up, because we have to operate the outlet within the amount what dealers will get. We request your good office to invite all the State registered Association and all the Registered National Association to brief us the latest working.

Thanking you

With Regards

  
K.P. Murali

President

Tamilnadu Petroleum Dealers Association

murali\_braddy@yahoo.com

Copy: Executive Director - Retail  
Industry Coordinator