

GAHC020002632019



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : WP(C)/88/2019

VILEVI PESEYIE
R/O KOHIMA SCIENCE COLLEGE, JOTSOMA,
H/NO.100, KOHIMA, N/L

VERSUS

INDIAN OIL CORPORATION LIMITED AND ANR
REGISTERED OFFICE INDIAN OIL BHAVAN,
G-9, ALL YAVAR JUNG MARG, BANDRA(EAST), MUMBAI

2:HEAD OF DIVISIONAL OFFICE
INDIAN OIL CORPORATION LTD
TINSUKIA DIVISIONAL OFFICE SRIPURIA ROAD TINSUKI

Advocate for the Petitioner : C. T. JAMIR, SR. ADV

Advocate for the Respondent : V. DEVNATH

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 16-10-2023

Heard Mr. C.T. Jamir, learned Sr. counsel assisted by Ms. Asa Rutsa, learned counsel for the petitioner and Mr. N. Baruah, learned counsel for all the respondents.

Mr. C. T. Jamir, learned counsel for the petitioner submits that on

13.03.2023 when the matter was taken up, the learned counsel for the IOC has expressed certain difficulties to consider the application of the petitioner for setting up the petrol pump retail outlet dealership which is proposed to be installed at Zubza RHS on NH No. 29 between KM Stone 158 Stone and KM Stone 163 towards increasing the chainage.

Mr. C.T. Jamir, learned Sr. counsel has further submitted that he was verbally directed by the Hon'ble Court to file an affidavit regarding ownership of the land on which the petrol pump retail outlet dealership is proposed to be set up and pursuant thereto the affidavit dated 21.03.2023 has been filed by Shri Khriellelie Peseyie, the father of the petitioner, in which it has been stated that the land on which the petrol pump retail outlet is proposed to be set up is an ancestral land belonging to him which he has gifted to the petitioner.

Mr. N. Baruah by taking this Court to the 'Application Format For Individual Applicants' submits that the Sl. No. 13 which is in regard to the details of the land, has to be first complied with, before processing the application for grant of dealership. Mr. N. Baruah submits that the requirement set out in Sl. No. 13 of the format is mandatory and has to be complied with before any application for dealership is processed. Mr. N. Baruah further submits that the gift deed dated 20.12.2017 executed by Mr. Khriellelie Peseyie in favour of the petitioner has not been registered in accordance with law and in terms of Sl. No. 13 of the application format and due of which it is not possible for IOC to process and to consider the allotment of the petrol pump retail outlet dealership to the petitioner.

Mr. N. Baruah, the learned counsel for the IOC submits that if the petitioner furnishes a copy of the registered gift deed of the land in question, the IOC can verify the same and consider granting the dealership to the petitioner.

This Court has perused the gift dated 20.12.2017 (Annexure-J to the writ petition) and observed that the gift deed executed by Mr. Khriellelie Peseyie in favour of the petitioner has not been registered and therefore the requirement set out in Sl. No. 13 of the application format has not been complied.

After hearing the learned counsel for the parties, this Court directs the petitioner to furnish the registered gift deed of the land to the IOC in

compliance to the requirement of Sl. No. 13 of the application format. Upon receiving the copy of the registered gift deed for the land in question, the IOC shall take steps to consider the allotment of the petrol pump retail outlet dealership to the petitioner in terms of the requirement set out at Sl. No.13 of the application format and Clause-4(v)(d) of the Brochure Selection of Dealers for Regular and Rural Retail Outlets.

All steps for considering the allotment of the dealership to the petitioner shall be taken within a period of 30(thirty) days from the date the date the copy of the registered gift deed is submitted to the IOC.

The concession extended to the petitioner is a one time measure.

With the above observations, the writ petition stands disposed.

Sd/-

JUDGE

Comparing Assistant