

Court No. - 40

Case :- WRIT - C No. - 32995 of 2023

Petitioner :- Santosh Kumar

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Shiv Sagar Singh

Counsel for Respondent :- CSC, Komal Mehrotra

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Shiv Sagar Singh, learned counsel for the petitioner; Shri S.C. Upadhya, learned Standing Counsel for the State respondents and Shri Komal Mehrotra, learned counsel for Bharat Petroleum Corporation Ltd. (in short 'BPCL').

2. The instant writ petition is being filed inter-alia with following reliefs:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding the respondent no.4, 5, 6 and 7 to issue No Objection Certificate (in short the 'NOC') in pursuance of the advertisement dated 25.11.2018 as per guidelines and further restrain the respondents not to raise any objection pertaining to R.O. dealership pursuant to guidelines dated 08.12.2022.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to decide the grievance of the petitioner represented through letter dated 02.05.2023 (Annexure no.10 to the writ petition)."

3. Learned counsel for the petitioner states that in response to the advertisement dated 25.11.2018 issued by the Bharat Petroleum Corporation Ltd. (in short the 'BPCL') for Retail Outlet dealers at various locations in State of Uttar Pradesh, the petitioner had applied for the R.O. dealership. He states that in response to the said advertisement, the BPCL has already issued a Letter of Intent (in short 'LOI') on 20.01.2020 in favour of petitioner. He submits that later on out of 08 Departments, 07 Departments have already accorded NOC in favour of petitioner but till date inspite of clarificatory order dated 03.01.2021 issued by the Chief Engineer, Public Works Department, Lucknow, which was issued in furtherance of order dated 24.12.2020, wherein, it has been indicated that NOC would be accorded to all the applicants, who had applied in the advertisement issued prior to 11.12.2019. In support of his submission, he has placed reliance on the recommendation dated 29.03.2023 made by Executive Engineer, Public Works Department to the Superintending Engineer, Public

Works Department appended as Annexure no.9 to the writ petition. He has also placed reliance on the judgement and order dated 10.01.2020 passed in ***Writ C No.30353/2014 (Mata Deen Bhagwan Das and others vs. State of U.P. and others)***, which is approved by Hon'ble the Apex Court in ***Special Leave to Appeal (C) No.15720/2020 (The State of U.P. and others vs. Mata Deen Bhagwan Das and others)*** dated 22.01.2021. In this backdrop, learned counsel for the petitioner has confined his prayer that the PWD must process the application of petitioner, specially in the light of Mata Deen (supra) and further in the light of clarificatory order dated 03.01.2021.

4. Shri Komal Mehrotra, learned counsel for the petitioner states that till date the LOI has not been withdrawn and the fresh advertisement has not been issued by the Corporation. He has no objection in case petitioner press an application before the Competent Authority i.e. Public Works Department for according NOC in his favour. Similar note is also given by the learned Standing Counsel.

5. Considering the facts and circumstances of the case, the writ petition, on consent, is ***disposed of*** with a direction to the Competent Authority, Public Works Department to consider the claim of petitioner in the light of judgement and order passed in Mata Deen (supra) as well as the clarificatory order dated 03.01.2021 and take final decision in three weeks from the date of production of certified copy of this order.

Order Date :- 7.11.2023

A. Pandey