

Court No. - 40

Case :- WRIT - C No. - 33963 of 2023

Petitioner :- Rajeev Kumar

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Ashutosh Kumar Yadav, Sr. Advocate, Utkarsh Prasad

Counsel for Respondent :- A.S.G.I., C.S.C., Gaurav Kumar Chand, Rakesh Kumar

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner; learned Standing Counsel for State respondent and Shri Rakesh Kumar, learned counsel appearing on behalf of respondent nos. 2 to 4-Indian Oil Corporation Limited (in short "IOCL"). The office of Addl. Solicitor General of India has accepted notice on behalf of Union of India.

2. Present writ petition has been preferred for quashing the order dated 25.8.2023 passed by the third respondent i.e. Divisional Retail Sales Head, Agra Divisional Office, Agra and for a direction to the respondents to complete the process for establishment of the retail outlet in terms of previous advertisement.

3. Learned counsel for the IOCL has raised an objection regarding the maintainability of the writ petition on two grounds. He firstly submits that IOCL has already withdrawn/ cancelled the earlier advertisement and invited fresh applications in response to the new advertisement. The said controversy is no more *res integra* as the Coordinate Bench has already settled the matter vide judgment and order dated 18.2.2020 passed in **Misc. Bench No.4687 of 2020, Kanchan Singh vs. Indian Oil Corp. Ltd. Thru. Chairman and others**. Secondly, he submits that no reason is required to be assigned while withdrawing the location as the company has reserved its right to withdraw/ amend or make appropriate change, being a commercial venture.

4. We have occasion to peruse the record and respectfully considered the judgment cited at Bar. The controversy in hand is already settled in Kanchan Singh (Supra) and there is no reason or occasion to take a different view. Therefore, we are not inclined to entertain the writ petition.

5. The writ petition stands **dismissed** accordingly.

Order Date :- 28.11.2023

Rama Kant