

Court No. - 40

Case :- WRIT - C No. - 36660 of 2023

Petitioner :- Shrikant Saroj

Respondent :- Hindustan Petroleum Corporation Limited And Another

Counsel for Petitioner :- Sanjeev Singh, Ramesh Kumar Singh

Counsel for Respondent :- Komal Mehrotra, Vaibhav Tripathi

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Sanjeev Singh, learned counsel for the petitioner and Sri Vaibhav Tripathi, learned counsel appearing for the respondent nos. 1 and 2.

2. The petitioner has questioned the validity of the impugned communication dated 05.09.2022 made by respondent no.2-Territory Manager, Hindustan Petroleum Corporation Limited (hereinafter referred to as the 'HPCL').

3. At the very outset, Shri Vaibhav Tripathi, learned counsel for the HPCL has raised preliminary objection regarding maintainability of the writ petition on the ground that initially the HPCL had made an advertisement for settling retail outlet at Village Saidpur, Tehsil Saidpur on Zaffarabad to Belaon Road, District Jaunpur under SC Category. Once it was brought into the notice to the HPCL that the said site is not available at District Jaunpur, consequently, the location was cancelled and fresh advertisement also took place with correct description of the site. The said factual aspect was duly communicated to the petitioner by communication dated 05.09.2022, which reads as under:-

"Please also refer to the Brochure on Retail Outlet dealer selection applicable for the subject location and available on the portal.

Please note that the subject location stands cancelled. Application fee if paid will be refunded."

4. Learned counsel appearing for HPCL further submits that the issue in hand is no more *res-integra* as the coordinate Bench has already settled the matter by order dated 18.2.2020 passed in Misc. Bench No.4687 of 2020, ***Kanchan Singh vs. Indian Oil Corp. Ltd. Thru. Chairman and others***, therefore, no interference is

required in the matter.

5. Once an objection is raised, we have proceeded to examine the record in question as well as the order passed by the Co-ordinate Bench in Kanchan Singh (supra), we do not find any good ground to take a different view in the matter as admittedly on account of change in location, the advertisement was cancelled and the said issue is already settled in Kanchan Singh (supra).

6. Consequently, the writ petition is ***dismissed***.

Order Date :- 21.11.2023

Prajapati