

GAHC010020482024



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

Case No. : I.A.(Civil)/2093/2024

PARAMANANDA LANGTHASA
S/O- LATE RAMANANDA LANGTHASA

R/O- TISSO GAON

P.O- TUMPRENG

P.S- BAITHALANGSO
WEST KARBI ANGLONG
PIN-782485
ASSAM

VERSUS

UNION OF INDIA AND 3 ORS
REP. BY THE SECRETARY
MINISTRY OF PETROLEUM
NEW DELHI

2:INDIAN OIL CORPORATION LIMITED
HAVING ITS REGD. OFFICE AT G-9 ALI YAVAR JUNG MARG
BANDRA (EAST)
MUMBAI-51

3:THE EXECUTIVE DIRECTOR
INDIAN OIL CORPORATION LIMITED

INDIAN OIL BHABAN SECTOR -III
NOONMATI
GUWAHATI-20
ASSAM

4:THE CHIEF GENERAL MANAGER (LPG)

INDIAN OIL CORPORATION LIMITED
INDANE AREA OFFICE
SRIPURIA
TINSUKIA-786125
ASSAM

Advocate for : MR. B J GHOSH

Advocate for : SC

I O C appearing for UNION OF INDIA AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

21.08.2024

1. Heard Mr. B.J. Ghosh, learned counsel for the applicant, who submits that the decision of the IOCL to cancel the advertisement dated 25.05.2018 for selection of LPG Distributor in Sikari Pathar, Karbi Anglong District and to re-advertise the same should be stayed.

2. Mr. P. Bharadwaj, learned Standing Counsel for the IOCL, on the other hand submits that in terms of the affidavit-in-opposition filed by the IOCL in WP(C) 2074/2024, the IOCL has already cancelled the advertisement for selecting LPG Distributor for the location in Sikari Pathar, Karbi Anglong District.

3. I have heard the learned counsel for the parties.

4. Paragraph-10 of the affidavit-in-opposition filed by the IOCL in WP(C) 2074/2024 states as follows :

“10. That with regard to the statements made in paragraph 29 of the writ

petition, the deponent begs to state that the location Sikari Pathar as advertised under Howraghat Block, actually falls under the Longsomepi Block as confirmed by the Block Development Officer, Longsomepi Block through the letter dated 15.7.2019. The Corporation therefore, after obtaining the necessary approval on 7.9.2023 and as per Clause 5 (a) of the advertisement, cancelled the advertisement for the location Sikari Pathar and intimated the said decision to all the participants with further confirmation that their application fee shall be refunded.

It is pertinent to quote herein Clause 5(a) of the advertisement, which states that

"...Indian Oil Corporation Ltd. Bharat Petroleum Corporation Ltd. or Hindustan Petroleum Corporation Ltd reserves the right to cancel/withdraw/amend this advertisement or extend the due date of submission of application forms at its sole discretion without assigning any reason..."

Copies of the intimation letter to the participating candidates including the petitioner are annexed and marked as Annexure-R/1 (Colly).

5. As the IOCL has stated on affidavit that the advertisement has been cancelled, there can be no grant of stay against a decision to cancel the advertisement, as prayed for in the present application.

6. The interlocutory application is accordingly dismissed as infructuous.

JUDGE

Comparing Assistant