

GAHC010130762024



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

**Case No. : WP(C)/3378/2024**

DIMPI SAIKIA  
D/O- BHUPEN SAIKIA, R/O- VILL.- AMUD BORBARI, P.O. MORNOI  
BEBEJIYA, P.S. GHILAMARA, DIST. LAKHIMPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS  
THROUGH THE SECRETARY, DEPARTMENT OF PETROLEUM, NEW DELHI-  
1.

2:THE CHAIRMAN CUM MANAGING DIRECTOR  
HINDUSTAN PETROLEUM CO-OPERATION LIMITED MUMBAI-01.

3:THE HEAD OF GUWAHATI RETAIL REGIONAL OFFICE  
HINDUSTAN PETROLEUM CO-OPERATION LIMITED  
2ND FLOOR  
JANAPATH  
G.S. ROAD  
GHY-781007.

4:PHANINDRA KUMAR PACHANI  
S/O- ROBIN PACHANI  
R/O- CHANDMARI  
LAKHIMPUR  
PIN- 787001

**Advocate for the Petitioner : MR A KHANIKAR**

**Advocate for the Respondent : DY.S.G.I.**

**BEFORE  
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**28.06.2024**

1. Heard Mr. A. Khanikar, learned counsel for the petitioner. Also heard Mr. S. Borthakur, learned counsel for the respondent nos.2 & 3. Mr. S.S. Roy, learned counsel appears for the respondent no.1.

2. Mr. A. Khanikar submits that the petitioner applied for a Retail Outlet Dealership under the Hindustan Petroleum Corporation Limited (HPCL) for the location, i.e. "Between Dholpeta to Nokoraiguri SH (Majuli - Dhakuakhana) Road in OBC Category", pursuant to the Advertisement dated 28.06.2021. The petitioner was informed that she had qualified for draw of lots for selection of Retail Outlet Dealership. The petitioner was thereafter declared as provisionally selected for the Retail Outlet Dealership based on the draw of lots, vide letter dated 31.12.2023 issued by the HPCL.

3. The petitioner was surprised to receive letter dated 07.06.2024 from the HPCL, informing her that her candidature had not been found eligible for Retail Outlet Dealership on the basis of documents submitted by her, for reasons stated below:

*“Reason :*

*The relationship mentioned in the application and landowner is permitted under Group-1 in DSG but no documents were submitted to support the relationship with landowner. Moreover the land holding certificate is issued after the date of application.*

4. *In case you have any grievance against the rejection of your candidature as mentioned above, you may make your represented by 17-Jun-2024."*

4. The petitioner thereafter submitted a representation dated 15.06.2024 against the rejection of her candidature. However, even before any decision was taken on her representation dated 15.06.2024, the HPCL conducted a re-draw of lots on 19.06.2024 and selected the respondent no.4 to be awarded the Retail Outlet.

5. The petitioner's counsel submits that a direction should be issued to the respondents to take a decision on the petitioner's representation dated 15.06.2024 and that the selection of the respondent no.4 on the basis of re-draw of lots on 19.06.2024 should be subject to the outcome of the decision taken by the authorities, in relation to the petitioner's representation dated 15.06.2024.

6. Mr. S. Borthakur, learned counsel for the HPCL submits that the Sale Deed submitted by the petitioner, showing that he had land in the event of allotment of a petrol pump, shows that the Sale Deed was registered on 30.05.2024. On the other hand, the last date for submission of application for award of a Retail Outlet Dealership was 27.09.2023, pursuant to the Advertisement dated 28.06.2021. He accordingly submits that the petitioner did not have any land at the time of submission of his application for award of the Retail Outlet Dealership, which was an essential condition/criteria required of an applicant. As such, there is no infirmity with the rejection of the petitioner's application for grant of a Retail Outlet Dealership. He further submits that the petitioner's

representation dated 15.06.2024 might have already been disposed of by the respondent authorities. However, if the same has not been disposed of, he is agreeable to the proposal made by the petitioner's counsel, that the selection of the respondent no.4 to be awarded the Retail Outlet Dealership in the re-draw of lots held on 19.06.2024, would be subject to the decision to be taken by the respondent authorities on the petitioner's representation dated 15.06.2024.

7. In view of the consent of the parties, the respondent nos.2 & 3 are directed to take a decision on the petitioner's representation dated 15.06.2024, if not taken earlier. If a decision has been taken earlier, the decision taken should be communicated to the petitioner. It is also made clear that the selection of the respondent no.4 to be awarded the Retail Outlet Dealership, on the basis of the re-draw of lots held on 19.06.2024, would be subject to the decision taken in relation to the petitioner's representation dated 15.06.2024.

8. Writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**