

GAHC010261012022



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

**Case No. : WP(C)/8232/2022**

GOKUL CHANDRA DAS  
S/O. LT. GOPAL CHANDRA DAS, VILL. DAKSHIN GANAK GARI, P.O.  
SARBHOG, DIST. BARPETA, ASSAM, PIN-781317.

VERSUS

THE UNION OF INDIA AND 4 ORS  
REP. BY THE SECRETARY MINISTRY OF PETROLEUM, NEW DELHI-01.

2:HINDUSTAN PETROLEUM CORPORATION LTD.  
REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR HAVING ITS REGD.  
OFFICE AT 17 JAMSHEDJI TATA ROAD MUMBAI-400020 MAHARASHTRA.

3:THE EXECUTIVE DIRECTOR  
RETAIL HINDUSTAN PETROLEUM CORPORATION LTD. 8  
S. V. MARG BALLARD ESTATE MUMBAI-400001 MAHARASHTRA.

4:CHIEF REGIONAL MANAGER  
GUWAHATI RETAIL REGIONAL OFFICE H.D. COMPLEX  
2ND FLOOR JANAPATH G.S. ROAD ULUBARI GUWAHATI-781007.

5:KAMESWAR NATH S/O. LT. RAM BALI NATH  
R/O. WARD NO.4 SARBHOG TOWN P.O. SARBHOG DIST. BARPETA  
ASSAM PIN-781317

**Advocate for the Petitioner** : MR. K M HALOI,

**Advocate for the Respondent** : DY.S.G.I., MR. M SARMA (R5),MR. S S ROY (R- 2,3,4),MR. S S ROY (r-1)

**BEFORE  
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 16.08.2024**

Heard Mr. K. M. Haloi, learned counsel for the petitioner. Also heard Mr. S. Borthakur, learned standing counsel, HPCL, appearing on behalf of respondents No. 2, 3 & 4; and Mr. M. Sarma, learned counsel, appearing on behalf of respondent No. 5.

The challenge in the present proceeding is to the selection and appointment of the respondent No. 5 as a Retail Outlet Dealer of Hindustan Petroleum Corporation Ltd. at Sarbhog Town, Barpeta, in pursuance of an Advertisement, dated 25.11.2018, issued in this connection.

The petitioner, herein, has raised a grievance with regard to the selection and appointment of the respondent No. 5 as a Retail Outlet Dealer on the ground that the original land that was offered by the petitioner and against which his such selection was so done, having been placed in Group 1 of the various Categories, so delineated in the Guidelines; was changed by the petitioner after the letter of appointment was so issued to him.

It is the further case of the petitioner that such change of the land initially offered, cannot be sustained and accordingly; the letter of appointment of the respondent No. 5 as a Retail Outlet Dealer under the Company, in question, is required to be interfered with by this Court.

The learned counsels appearing for respondents No. 1 to 4, submits,

basing on the policy and guidelines involved that it is permissible for the selected entity to offer an alternative land if the situation so mandates.

In the present proceeding, it is submitted that after the respondent No. 5 was so selected for being appointed as a Retail Outlet Dealer for the products of the respondent Company; the land as initially relied by the petitioner, was required to be changed for reasons beyond his control and accordingly, in terms of the policy itself; which permits such offering of an alternative land even after the selection of the Retail Outlet Dealer and an letter of appointment is so offered to him, the alternative land so offered by the petitioner having confirmed to the said guidelines, was accepted by the respondent Company.

Mr. Sarma, learned counsel for respondent No. 5, has also endorsed the submissions made by the learned counsel appearing on behalf of respondents No. 2, 3 & 4.

The issue arising in the present proceeding is as to whether after issuance of a letter of appointment to an entity selected for being appointed as a Retail Outlet Dealer, it was permissible for such dealer to offer an alternative land by ignoring the land already offered and basing on which, his empanelment and selection was so undertaken.

The said position is clear from the guidelines holding the field in this connection, wherein, under Note:3; it is stated that such offering of an alternative land, is permissible subject to the alternative land so offered meeting all specifications and that, it is within the advertised location/stretch.

“Note 3: Opportunity to offer alternate land” of the guidelines, appended as Annexure-2 in the writ petition, being relevant, is extracted hereinbelow for ready reference:

**“Note 3: Opportunity to offer alternate land after FVC/issuance of LOI**

***There may be a situation, where the land offered by the candidate in the application (Including land/alternate land offered by Group 3/Group 1 & Group 2 applicants) meets all the specifications as laid down in the advertisement and on the basis of which LOI has been issued or proposed to be issued and the LOI holder or the selected candidate to whom LOI is proposed to be issued would like to offer an alternate land, due to whatsoever reason, such land may be considered by OMC subject to the alternate land meeting all specifications and is within the advertised location/stretch.***

***In case applicant is selected and LOI has not been issued then on receipt of application from the selected candidate offering alternate land, Land evaluation of the alternate land will be done and if the land is found suitable, then LOI will be issued mentioning the change in offered land.***

***In case alternate land is offered after issuance of LOI, a letter would be issued indicating acceptance of the alternate land offered, after Land evaluation (on land being found suitable) and this would be treated as addendum to LOI.***

***In case the alternate land offered by the selected candidate/LOI holder is accepted by the OMC and LOI/addendum to LOI is issued to the candidate, the alternate land accepted by OMC would be treated as final and no further changes shall be accepted (including the original site offered).***

***In case the alternate land offered by the selected candidate is found not meeting the laid down criteria, the selected candidate would be intimated on the same (through LOI) and LOI would be issued to the selected candidate referring to the originally offered land.***

***In case the alternate land offered by the LOI holder is found not meeting the laid down criteria, the LOI holder would be intimated on the same through addendum to LOI. In such case, the time period to make available the land (original site offered along with the application) would remain valid as mentioned in the LOI from the date of issuance of letter (addendum to LOI) Intimating rejection of alternate land.***

***This opportunity would be available to the LOI holder up to 90 days from the issuance of LOI.”***

It is not the case of the petitioner, herein, that the alternative land does not meet the specifications so mandated to be so satisfied and also, it is not disputed that the alternative land so offered is beyond the advertised location/stretch. The materials available on record also reveals that the district authorities of Barpeta had also accorded its approval to the setting-up of the said Retail Outlet Dealer of the respondent Company over the alternative land as offered by the respondent No. 5, herein.

It is also to be noted that after the alternative land was found to satisfy the specifications so made in this connection; an addendum to the letter of appointment as issued to the respondent No. 5, was also so issued and the respondent No. 5, on completion of the construction activities involved and also after getting the requisite permissions, is operating the Retail Outlet Dealer with effect from the month of February, 2022.

In view of the above position and in the absence of any materials brought on record by the petitioner of there being a violation of the guidelines involved in this matter; this Court is of the considered view that the contentions raised by the petitioner, herein, in the present proceeding, does not merit acceptance and accordingly, this writ petition is held to be devoid of any merit and the same is, therefore, dismissed. However, there shall be no order as to costs.

**JUDGE**

**Comparing Assistant**