

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15964 of 2010

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Ajay Kumar S/O Late Dharamdev Singh, R/O Badauni Vatika, Kamruddinganj
(Bharavpar), P.S.- Laheri, Distt.- Nalanda

.... Petitioner/s

Versus

1. Hindustan Petroleum Corporation Limited having its Registered Office At 17, Jamshedji Tata Road, Mumbai through its Regional Manager
2. Deputy General Manager, East Central Zone, Hindustan Petroleum Corporation Limited, Lucknow
3. Senior Regional Manager-Retail Hindustan Petroleum Corporation Limited, Lok Nayak Jai Prakash Bhawan, 6th Floor, Dak Bunglow Crossing, Patna
4. Regional Manager, Hindustan Petroleum Corporation Limited, Lok Nayak Jai Prakash Bhawan, 6th Floor, Dak Bunglow Crossing, Patna
5. Ram Shankar Sharma S/O Abhiram Sharma R/O Vill.- Jaru, P.S.- Hulasganj, Distt.- Jahanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Utsav Kumar
Mr. Apurva Kumar
For the Respondent No.1 to 4 : Mr. Rajeev Prakash
For the Respondent No.5 : Mr. Sunil Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 07-04-2015

Heard the parties.

The matter at issue is the allotment of retail outlet dealership by the Hindustan Petroleum Corporation Limited at location Hulasganj in the district of Jehanabad on the basis of advertisement dated 20th June, 2009.

The petitioner has filed the present writ petition assailing the validity and correctness of order dated 23.04.2010 (Annexure-7) passed by the respondent no.2, whereby the objection filed by the petitioner regarding empanelment of the respondent no. 5 as a first candidate for allotment of retail outlet dealership in question has been rejected.

The present writ petition was filed on 22.09.2010 before

this Court and prior to that the letter of intent was issued in favour of the respondent no. 5, which has been brought on record as Annexure-A to the counter-affidavit filed on behalf of the respondent no.5. The respondent no.5 was appointed as dealer by letter dated 31st August, 2010 (Annexure-R/1 to the counter-affidavit filed on behalf of the respondent no. 1 to 4). It is also not in dispute that prior to that No Objection Certificate was issued by the District Magistrate, Jehanabad on 12.08.2010 and thereafter retail outlet dealership was commissioned and it is functional for almost last five years. Admittedly, prior to filing of the present writ petition on 22.09.2010, letter of intent as also letter of appointment was issued in favour of the respondent no. 5 creating a legal right in his favour, but for the reasons best known to the petitioner these orders/ decisions have not been challenged by him in the present proceeding. It is well known that commissioning of retail outlet dealership involves a commercial interest of the parties as also the respondent Corporation. The respondent no. 5 has invested huge money for commissioning of retail outlet dealership. The petitioner has chosen not to challenge the subsequent decision of the respondent Corporation regarding issuance of letter of intent as also the letter of appointment. This matter was heard earlier on 27.09.2010, but the actions of the respondents were not stayed.

In above view of the matter, this Court is not inclined to accede to the prayer made on behalf of the petitioner in the present writ petition. Consequently, the writ petition has to fail and is, accordingly, dismissed, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

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