

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9516 of 2011

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Nand Lal Rai, son of Late Sukeshwar Rai, resident of Village and P.S. Turkaulia,
District East Champaran

.... Petitioner

Versus

1. Hindustan Petroleum Corporation Ltd., 17, Jamshed Ji Tata Road, Mumbai-400020, Maharashtra State through its General Manager.
2. The General Manager, Hindustan Petroleum Corporation Ltd., 17, Jamshed Ji Tata Road, Mumbai-400020, Maharashtra State.
3. The Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Patna Region, Begusarai.
4. The Area Sales Officer, Hindustan Petroleum Corporation, Motihari, District East Champaran.
5. Rajesh Kumar & Sanjeev Kumar, a partnership firm at Turkaulia Chowk, P.S. Turkaulia, District East Champaran through its partner Rajesh Kumar.
6. Rajesh Kumar, father's name not known to the petitioner, resident of Turkaulia Chowk, P.S. Turkaulia, District East Champaran
7. Sanjeev Kumar, son of Late Prem Chand Gupta, resident of Village Fateh Tola, P.O. Shankar Saraiya, P.S. Turkaulia, District East Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. V.R.P. Singh, Advocate

For the Respondents : Mr. Rajeew Prakash, Advocate

For Private Respondents: Mr. Najmul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-10-2015

The present writ petition has been filed for quashing the provisional merit panel for selection of retail outlet dealer at location Turkaulia Bazar to Kawalpur at State High Way – 54 in the district of East Champaran (Sl. No.68) (Annexure-3) and for a direction to the respondents to revise the merit panel in accordance with law after awarding appropriate marks to the petitioner for “Capacity to provide infrastructure and Facility” (Land) and other parameters for “capacity to arrange finance”, as well as not to issue letter of intent (LOI) in

favour of respondent no.5.

2. At the very outset, learned counsel for the respondent-Corporation raises a preliminary objection that the petitioner has intentionally suppressed material facts in the writ petition by not disclosing and challenging the reasoned order dated 30.06.2010 passed by the Deputy General Manager, NCZ after considering the complaints made by the petitioner and another against the selection of the first empanelled candidate, in favour of whom the letter of intent was issued on 29.12.2010. All these facts have neither been stated in the writ petition nor made the subject-matter of challenge even though the writ petition has been filed subsequently on 20.05.2011.

3. Having heard learned counsel for the parties and on consideration of the materials on record, this Court is in agreement with the submissions made on behalf of the respondent-Corporation.

4. Even if the relevant facts with regard to the reasoned order having been passed by the respondent-Corporation as well as the letter of intent having been issued in favour of the first empanelled candidate were not known to the petitioner at the time of filing of the writ petition, they were certainly made known to the petitioner when a copy of the counter affidavit was served on 03.05.2012, to which, however, no rejoinder has been filed controverting the statements made therein. This Court, therefore, is not satisfied to grant any relief

to the petitioner in the facts and circumstances of the case.

5. This writ petition accordingly stands dismissed.

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(Vikash Jain, J)