

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24732 of 2013

and

M.P.No.1 of 2013

R.Kanchana

... Petitioner

vs.

1. Bharath Petroleum Corporation Ltd.,
having registered office at
Bharath Bhavan,
Nos.4 and 6, Currimbhoy Road,
Ballard Estate,
Post Box No.688,
Mumbai - 400 001.

2. The State Co-ordinator (TN & P),
Bharath Petroleum Corporation Ltd.,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai - 600 040.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent in letter dated 08.01.2013 in SCO (TN&P)/SPO/CHE and quash the same and consequently direct the respondents herein to grant Letter of Intent to the petitioner in respect of the proposed retail outlet dealership at Lathery to Gudiyatham pursuant to the selection under advertisement dated 15/16.03.2012, pending disposal of the writ petition.

For Petitioner : Mr.AL.Ganthimathi
For Respondents : Mr.K.Ethiraj

O R D E R

Heard Mr.AL.Ganthimathi, learned counsel for petitioner and Mr.K.Ethiraj, learned counsel for respondents and perused the materials placed on record.

2. Petitioner has filed this writ petition seeking to quash the letter issued by the second respondent dated 08.01.2013 and to direct the respondents herein to grant Letter of Intent to the petitioner in respect of the proposed retail outlet dealership from Lathery to Gudiyatham pursuant to the selection under advertisement dated 15/16.03.2012.

3. By virtue of the interim order, the petitioner was informed that during field verification of the credentials of the petitioner, it was observed that there was a valid DPSL of BPCL in the name and style of M/s.Sri Balaji Agencies for their site. Further, it was pointed out that on the date of passing the impugned order, the outlet was not operational and the site was not available for setting up of new outlet in view of the valid DPSL. Therefore, the respondent Corporation cancelled the petitioner's name from the list of empanelment/LOI for the said location.

4. From the counter affidavit, it is seen that the respondent passed the impugned order since they have not been informed of any expiry of lease agreement given in favour of the DPSL signatory Mr.A.Karthikeyan. Further, it is stated that the retail outlet in the name and style of M/s.Sri Balaji Agencies was not operational since February 2011 at the offered site and the DPSL for the said site was valid till 25.02.2014.

5. In the light of the fact that already DPSL which was standing in the name of M/s.Sri Balaji Agencies has come to an end on 25.02.2014 and even as per the averments in the counter affidavit, as on date, there is no bar for the respondent Corporation to consider the petitioner's request for being empanelled as their distributor and in the light of subsequent event which had been taken place, this Court is of the view that the impugned order calls for interference.

This Writ Petition is allowed and the impugned order is set aside by taking note of the subsequent developments inasmuch as the DPSL for the said site is not valid beyond 25.02.2014. Since the period has already been expired, the respondents are directed to consider the petitioner's empanelment/LOI and consider the petitioner's case for retail dealership from Lathery to Gudiyatham. The above direction

shall be complied with within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1. Bharath Petroleum Corporation Ltd.,
having registered office at
Bharath Bhavan,
Nos.4 and 6, Currimbhoy Road,
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2. The State Co-ordinator (TN & P),
Bharath Petroleum Corporation Ltd.,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai - 600 040.

+1cc to Ms.A.L.Gandhi Mathi, Advocate, S.R.No.14582
+1cc to Mr.K.Ethiraj, Advocate, S.R.No.14648

W.P.No.24732 of 2013
and
M.P.No.1 of 2013

GR(CO)
CA(24/03/2015)

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