

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17870 of 2013

Ms. Sudipta Sinha D/O Sri Harish Chandra Prasad, resident of Flat No. 3, SFBI/44, B.H. Colony, Bhoot Nath Road, Kankarbagh, P.S.- Agamkuya, District-Patna

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
2. Chairman and Managing Director, Indian Oil Corporation, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400059
3. General Manager, Indian Oil Corporation, Bihar State Office, Lok Nayak Jai Prakash Bhawan, (5th Floor), Dak Bunglow Chowk, Patna- 800001
4. Dy. General Manager (LPG), Indian Oil Corporation, Bihar State Office, Lok Nayak Jai Prakash Bhawan, (5th Floor), Dak Bunglow Chowk, Patna - 800001
5. Chief Area Manager, Patna Area Office Indian Oil Corporation, Shahi Bhawan (1st Floor) Exhibition Road, Patna- 800001

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 17378 of 2014

Vishwajeet Kumar Son of Late Sharda Nandan Yadav Resident of Village-Aziz Ghat, P.S.- Biharsharif, District-Nalanda.

.... Petitioner/s

Versus

1. The India Oil Corporation through its Chairman G-9, Ali Yaver Jang Marg, Bandra East Mumbai.
2. The Chairman, Indian Oil Corporation, G-9, Ali Yavar Jang Marg, Bandra East Mumbai.
3. Indian Oil Corporation, Bihar State Office at Lok Nayak Jai Prakash Bhawan (Fifth Floor), Dak Bunglow Chowk, Patna.
4. The Deputy General Manager, LPG Indian Oil Corporation, Bihar State Office at Lok Nayak Jai Prakash Bhawan (Fifth Floor), Dak Bunglow Chouk, Patna.
5. The Chief Area Manager, Patna Area, Indian Oil Corporation, Shahi Bhawan, Ist Floor, Exhibition Road, Patna.
6. The Senior Area Sales Manager, Indian Oil Corporation, Shahi Bhawan, Ist Floor, Exhibition Road, Patna.
7. The Chief Managar, (Vigilance), Er. Indian Oil Corporation, Shahi Bhawan, Ist Floor, Exhibition Road, Patna.
8. Ms. Sudipta Sinha Daughter of Sri Harish Chandra Prasad, R/o Flat No.-5, FD-1/44, BH Colony, Bhutnath, P.S.-Kankarbagh, District-Patna.

.... Respondent/s

Appearance :

(In CWJC No.17870 of 2013)

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.
For the I.O.C. : Mr. Anil Kumar Sinha, Adv.
Mr. Amlesh Kumar Verma, Adv.

Mr. Ankit Katriar, Adv.
For the Private Resp. : Mr. Krishna Kant Singh, Adv.
Mr. Anil Kumar Sinha, Adv.
For the Union of India : Mr. Shyam Bihari Singh, Adv.

(In CWJC No.17378 of 2014)

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
Mr. Anil Kumar Sinha, Adv.
For the IOC : Mr. K.D. Chatterji, Sr. Adv.
Mr. Anil Kumar Sinha, Adv.
Mr. Amlesh Kumar Verma, Adv.
For the Resp. No. 8 : Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2016

C.W.J.C. No. 17870 of 2013

Learned counsel for the petitioner at the very outset states that in view of subsequent developments, the prayers in the main writ petition have now become infructuous and are not being pressed. Learned counsel for the petitioner therefore now confines the reliefs to the prayers contained in I.A. No. 1816 of 2015 and I.A. No. 1764 of 2016, which have been filed for quashing the investigation report dated 20.01.2015 and recommendation dated 22.01.2015 (Annexure-10) of the respondent Corporation for cancellation of the petitioner's candidature, and for quashing the show cause notice dated 24.03.2015 (Annexure-12) for withdrawal of Letter of Intent issued in favour of the petitioner for distributorship for location Chandi, respectively.

2. In view of the nature of the prayers, I.A. No. 1816 of 2015 and I.A. No. 1764 of 2016 are allowed and the petitioner is permitted to make amendments in the writ petition accordingly.

3. It appears that pursuant to a newspaper advertisement dated 17.10.2007, the petitioner applied for LPG distributorship for the



location Chandi District- Nalanda. The journey from the time of making of such application upto the present stage has taken the petitioner through several vicissitudes which need not however be narrated herein. Ultimately, the surviving controversy between the parties relates to an investigation made by the respondent Corporation on the basis of a complaint filed at the instance of one Vijay Kumar Yadav with regard to withdrawals said to have been made out of the Punjab National Bank Account No. 3048 belonging to the petitioner's mother, Smt. Neelam Sinha, within the lock-in period, thereby contravening the terms and conditions of award of dealership to the petitioner. The matter was disputed by the petitioner before the Banking Ombudsman, on whose advisory the Bank restored the withdrawals amounting to Rs. 1,18,000/- together with interest thereon into the said account.

4. Learned counsel for the petitioner submits that in fact, the said withdrawals had been fraudulently made by some person, which could not disentitle the petitioner's claim for the dealership.

5. Learned counsel for the respondent Corporation invites attention to the letter of Punjab National Bank dated 02.11.2015 (Annexure-R/11) according to which the withdrawals claimed by the petitioner to have been fraudulently made, are the subject-matter of examination by the General Examiner of Questioned Documents (GEQD), Kolkata and all relevant documents have been submitted to the GEQD for the purpose. The Punjab National Bank's letter dated 20.04.2016 (Annexure-R/12) discloses that the Punjab National Bank had decided to depute one of its officials to the office of GEQD, Kolkata

to ascertain the status of the matter.

6. Learned counsel for the respondent Corporation accordingly submits that the nature and character of the withdrawal of Rs. 1,18,000/- has yet to be finally established as the examination report of the GEQD, Kolkata is still awaited. The Punjab National Bank by its letter dated 02.11.2015 (Annexure-R/11) aforesaid has informed the respondent Corporation that though the amount in question has been paid to Smt. Neelam Sinha in compliance of the advisory of the Banking Ombudsman, it has not been confirmed that the amount was withdrawn from her account fraudulently. It is therefore submitted that the respondent Corporation is unable to take a final decision in the matter which would otherwise be premature in absence of the examination report of the GEQD, Kolkata.

7. Having heard the parties and on careful consideration of the materials on record, this Court is of the view that the ends of justice will be met by directing the respondent Union of India to ensure that the GEQD, Kolkata completes the examination of the documents and sends its examination report to the Punjab National Bank expeditiously and preferably within a period of four weeks from the date of receipt/production of a copy of this judgment. It is expected that the Punjab National Bank shall, upon receipt of the GEQD's report, forward a copy of the same to the respondent Corporation without delay. The respondent Corporation on its part also assures that in the meantime, it shall follow up the matter with the Punjab National Bank from time to time. It is made clear that upon receipt of a copy of the

GEQD's report, the respondent Corporation shall consider and dispose of the petitioner's replies to the show cause notice in accordance with law and take a final decision in the matter expeditiously.

8. I.A. No. 5258 of 2014 has been filed on behalf of the intervener, Sri Vishwajeet Kumar, with a prayer for being impleaded as respondent no. 6 in the instant writ application. The intervener claims to be the first empanelled candidate having secured 99 marks whereas the writ petitioner was empanelled having been awarded 96 marks.

9. In view of the nature of the present judgment disposing of the writ petition, as well as the order dated 11.01.2013 passed by a co-ordinate Bench of this Court in C.W.J.C. No. 17802 of 2010 by which the L.O.I. granted in favour of the intervener-petitioner was quashed and such order has not been interfered with in LPA No. 592 of 2013 filed at the instance of the intervener-petitioner, this Court finds no reason to allow the intervention petition and the same accordingly stands dismissed.

C.W.J.C. No. 17378 of 2014

This writ petition has been filed for quashing the Letter of Intent (LOI) No. 2014/IN000161/BH/00027/2312/00021 dated 16.06.2014 issued by the Chief Area Manager in favour of the respondent no. 8 on the ground that the same is contrary to the procedure and guidelines laid down by the official respondents, and for connected reliefs.

2. Learned counsel for the petitioner states that by order

dated 11.01.2013 passed in C.W.J.C. No. 17802 of 2010 filed at the instance of the respondent no. 8, this Court had quashed the LOI issued in favour of the petitioner. Such order had not been interfered with in LPA No. 592 of 2013 filed by the petitioner. It is however stated that a Civil Review No. 180 of 2014 has been filed in LPA No. 592 of 2013 which is pending before this Court, the result whereof is likely to have an impact on the present writ petition.

3. In view of the nature of the judgment passed in C.W.J.C. No. 17870 of 2013, the petitioner wherein is the respondent no. 8 in this case, the present writ petition requires no interference. The writ petition accordingly stands dismissed, with liberty granted to the petitioner to approach this Court for seeking redressal of his grievances if any such occasion arises in future by reason of his review petition aforesaid being allowed.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22-07-2016
Transmission Date	