

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5244 of 2014

=====

1. Rajesh Mohan S/O Sri Madan Mohan Rai Resident Of Village And P.O. Sher,
P.S. Sidhwalia, District Gopalganj.

.... Petitioner/s

Versus

1. Indian Oil Corporation Ltd., G-9, Ali Yavar Jang Marg, Bandra East, Mumbai-400051 Through The Chairman-Cum-Managing Director.
2. The Chairman-Cum-Managing Director, Indian Oil Corporation Ltd., G-9, Ali Yavar Jang Marg, Bandra East, Mumbai-400051.
3. The Chief Area Manager, Indian Oil Corporation Ltd. Indane Area Office, 1st Floor Shahi Bhawan, Exhibition Road, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Sr. Adv.
M/s. Anita Kumari, Adv.
For the Respondent/s : Mr. Anil Kumar Jha, Sr. Adv.
Mr. Sanat Kumar Mishra, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 20-01-2016

Heard learned counsel for the petitioner and the
learned counsel for the respondents.

2. The present writ petition has been filed for quashing the letter dated 01.02.2014 issued under the signature of the Respondent No. 3 and communicated to the petitioner under Letter No. PAT/LPG/New/CC/99/02 dated 01.02.2014, whereby and whereunder the Respondent No. 3 has been pleased to inform the petitioner that his candidature for award of L.P.G. Distributorship at Barauli has been cancelled for not having adequate fund as on the date of application.

3. The short facts of the present case are that the



petitioner filled up his application on 22.06.2012 for L.P.G. Distributorship at Barauli location in the District of Gopalganj, *inter alia*, mentioning Rs. 12,52,714/- (Savings Accounts + Fixed Deposit etc.) as available funds. The undisputed fact is that the application was tendered on 25.06.2012, for which the respondent Corporation issued acknowledgement receipt no. PAT/99/02 dated 25.06.2012. The candidature of the petitioner was however cancelled by the impugned order dated 01.04.2014 on the ground that the statement of the petitioner in the application with regard to the available funds was not found correct in course of FVC.

4. At the very outset, learned Senior counsel appearing for the respondent Corporation invites attention to the counter affidavit in which, *inter alia*, a photo copy of the Savings Bank statement of the petitioner has been enclosed. The entries therein clearly show that against the closing balance of Rs. 10,17,096/- on 21.06.2012, two withdrawals were made on the same date, leaving a closing balance of merely Rs. 2096/- on 21.06.2012. The statement contained in the petitioner's application showing available balance of Rs. 10,15,000/- is therefore on the face of it false.

5. Learned counsel for the petitioner is unable to controvert the above fact.

6. In the above circumstances therefore, this Court

finds no merit in the writ petition which is dismissed as such.

(Vikash Jain, J)

Md. Ibrarul/-

U			
---	--	--	--

