

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2845 of 2015

- =====
1. Akshay Kumar Agrawal, Son of Late Kameshwar Prasad.
 2. Kamal Kumar Agrawal, Son of Late Kameshwar Prasad Both R/o Mohalla K.K Road, Lalbagh P.S. Town, District Darbhanga.

.... Petitioner/s

Versus

1. Chairman Bharat Petroleum Corporation Ltd. at Bharat Bhawan, Ward No. 6 Currimbhoi Road, Ballard Estate Mumbai 400001.
2. Regional Manager (Retail) Eastern Region Bharat Petroleum Corporation Ltd at Kolkata.
3. State Coordinator Bihar, Bharat Petroleum Corporation Ltd, Exhibition Road, Patna.
4. Territory Manager (Retail) Muzaffarpur at Village Sherpur (Near Narayanpur Amamt Railway Station) N.H. 28 Post MTI Bela Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate.
For the Respondent/s : Mr. Sanjay Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-03-2016

Heard learned counsel for the parties.

The petitioners have moved the Court seeking a direction to the respondents to reconstitute and induct them as a dealer of the petroleum outlet in question and to execute a fresh DPSL agreement.

The brief facts of the case are that the then Burmah Shell had given its retail outlet in favour of the Cooperative Society in the year 1960 and thereafter the Cooperative Society due to paucity of fund could not run the outlet which was closed and by way of an interim arrangement in public interest, petitioner no. 2 was allowed to operate the outlet since 12.03.1977 by the Bharat Petroleum Corporation Ltd. which

is the successor-in-interest of the erstwhile Burmah Shell. It appears that the original Cooperative Society was also ultimately liquidated by the order of the District Cooperative Officer-cum-Liquidator on 30.06.2010. Thereafter, the petitioners have moved the respondents for allotting them dealership and execute agreement with them.

Learned counsel for the petitioners submits that they have been running the outlet since 12.03.1977 and thus they may now be formally inducted as a dealer.

Learned counsel for the respondents submits that the dealership of a public sector undertaking is given on the basis of public notice so that all eligible persons can participate and then a decision is taken and the petitioner no. 2 having been inducted only by way of a stopgap arrangement, since the original Cooperative Society was not in a position to run the outlet, they cannot claim as a matter of right allotment of the retail outlet in their favour.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is in agreement with the stand taken by the respondents that award of dealership by the respondents has to be through the process known in law and moreover the same having given by way of a grace to the petitioners to run the outlet shall not give them the right to dealership which has to be settled following the due procedure prescribed in law.

For the reasons aforesaid, the Court does not find any reason to interfere in the matter and the writ petition is accordingly disposed off.

The respondents are directed to ensure that the dealership in question is settled by following the due procedure of selection in which the petitioners, if they so desire, may also participate.

(Ahsanuddin Amanullah, J.)

P. Kumar

U			
---	--	--	--