

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1946 of 2016**

M/s. Anand Transport Corporation (Indian Oil Transporter) Through its Proprietor Alok Dagla, aged about 36 years, S/o Late S.L.Dagala, Occupation Business, Priyadarshani Nagar, Bilaspur Chhattisgarh, at present R/o H. No. C/179, Sector-2, Bajaj Colony, New Rajandra Nagar, Tahsil, Civil and Revenue District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Union of India, Through its Secretary, Department of Ministry of Petroleum and Natural Gas Shastri Bhavan, New Delhi 110001 India.
2. Chief Operation Manager (Retail) West Bharat Petroleum Corporation Limited, Petroleum House 17, Jamshedji, Tata Road, Near Mantralaya Mumbai 400020
3. Territory Manager (Retail) Bharat Petroleum Corporation Limited, Shahid Veer Narain Complex, 1st Floor, Opposite Collectorate, Near Nagar Ghadi Chowk, Raipur, Police Station City Kotwali, Civil and Revenue District Raipur, Chhattisgarh.
4. Manager, Common User Terminal (CUT) IOT Infrastructure and Energy Services, Lakholi, Police Station & Tehsil Arang, Civil and Revenue District Raipur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Ratnesh Kumar Agrawal, Advocate.
 For Respondent/UoI : Shri R.K.Kesharwani, Standing Counsel.
 For Respondent/BPCL : Shri Sourabh Sharma, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay Agrawal, J.

Order on Board**Per Deepak Gupta, Chief Justice****06/12/2016**

1. In this writ petition, the grievance of the Petitioner is that he had submitted an online tender for transportation of bulk petroleum products for a period of five years but tender has not been awarded to him.

2. The Respondent-Bharat Petroleum Corporation Limited has filed its reply and from perusal of the chart filed by the Bharat Petroleum Corporation Limited, it is apparent that the rates quoted by the Petitioner in the online tender were higher than the rate at which tender has been awarded. This fact is not disputed by the Petitioner also.
3. It is claimed that the Petitioner firm is owned by a Scheduled Tribe candidate, thus, the benefit of reservation should have been granted to him.
4. We are not at all impressed with this argument. The provisions for reservation do exist but it provided that the persons belonging to Scheduled Tribe/Scheduled Caste will not get price preference or relaxation in the standards. Therefore, the principle of reservation will only come in if the Scheduled Castes and Scheduled Tribe persons have a competing bid as compared to the successful tenderer. If the bid of the Scheduled Caste or Scheduled Tribe person is on the higher side, then he cannot be awarded the tender.
5. Therefore, we find no merit in this petition. It is dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE