

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11541 of 2016

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Rameshwar Prasad Chaudhary, son of Late Biyog Chaudhary, resident of village-
Manshipur, Bhijrauli tole, Shahpur, P.O- Shahpur, P.S.- Tisiauta, District- Vaishali.

.... Petitioner

Versus

1. The Hindustan Petroleum Corporation Ltd. through the Chairman-cum-Managing Director, L.P.G. Division, 17 Jamshedjee Tata Road, Mumbai.
2. The Director (Marketing), L.P.G. Division, Hindustan Petroleum Corporation Ltd., 17 Jamshedjee Tata Road, Mumbai.
3. The General Manager (LPG), Hindustan Petroleum Corporation Ltd., East Zone, 771, Anandpur, Opposite E.M. Bye-pass, Kolkata (W.B.).
4. The Senior Regional Manager (Patna LPG Region), Hindustan Petroleum Corporation Limited, Lok Nayak Jaiprakash Bhawan, 5th Floor, Near Dak Bungalow Road, Patna.
5. Abhishek Kumar, son of Late (Dr.) H.N. Gupta, resident of Mohalla-Haksarganj, P.O. Hajipur, P.S: Town, District- Vaishali (Hajipur)

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.
For the Respondent Nos. 1 to 4 : Mr. Sanjay Kumar Mishra, Adv.
For the Respondent No.5 : Mr. P.K. Shahi, Senior Adv.
Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 13-02-2017

Heard learned counsel appearing for the respective parties.

2. In this case, the petitioner is challenging the allotment of L.P.G. distributorship in favour of respondent No.5 after the order of the Apex Court.



3. This case has a chequered history. It has gone upto the Hon'ble Supreme Court, where the matter finally settled. Again the petitioner is trying to reopen the whole dispute.

4. The Hindustan Petroleum Corporation (hereinafter mentioned as "Oil Corporation") invited the applications for appointment of L.P.G. distributorship. In pursuance thereof, the petitioner and others have applied, after interview merit list was published, in which the petitioner was at serial No.3, whereas the respondent No.5 was at serial No.1 and one M/s Maruti Construction Private Limited was at serial No.2. The petitioner was granted the distributorship, but later on it was cancelled. The respondent No.5 as well as petitioner has challenged the action of the Oil Company by filing C.W.J.C. No.15113 of 2009 and 11413 of 2009. The learned Single Judge after going into the merit of the case rejected the claim of the petitioner and found that the financial status which was given by the respondent No.5 cannot be discarded as before the marriage the sister's name was there in the T.D.R. and when the marriage was solemnized there was a change in the name of beneficiary in the T.D.R. and accepted the plea of the respondent No.5 that the whole action of the Oil Corporation in cancelling distributorship was held completely wrong and set aside



the action of Oil Corporation. Accordingly, the writ petition filed by the petitioner was rejected and writ petition of respondent No.5 was allowed.

5. The order of the learned Single Judge was challenged before the Division Bench in L.P.A. No.672 of 2010, where the petitioner succeeded, but the respondent No.5 has moved ahead and challenged the order of the Division Bench before the Hon'ble Supreme Court in S.L.P.(C) No.3230 -3231 of 2016. The Hon'ble Supreme Court after hearing the parties has passed the order in favour of respondents No.5 in the following manner:-

“Since we have allowed the Civil Appeals filed by the appellant connected Civil Appeals filed by the another appellant-Rameshwar Prasad Choudhary, whose name was found in the merit list at serial No.3, for the same reasons his appeals are liable to be dismissed accordingly.

In the result, we have set aside the judgment and order of the Division Bench in L.P.A. Nos. 672 and 634 of 2010 and restore the judgment and order passed in C.W.J.C. Nos. 15113 of 11413 of 2009 by the learned Single Judge, implement the same within six weeks from the receipt of the copy of this judgment and order.”

6. Learned counsel for the petitioner submits that the land which was supplied by the petitioner has been changed, which



was furnished at initial stage, which is against the terms of the advertisement and the brochure for selection of Gas distributorship. He further submits that whatever the land will be mentioned in the application form cannot be changed by the beneficiary after the allotment of the distributorship and if he is allowed to change, then it will violates the terms of advertisement and repeatedly, the Hon'ble Supreme Court as well as this Court has held that selected candidate cannot be allowed to change the land which has been given in the application form. He also submits that the land which has been offered is not standing in the name of the respondent No.5.

7. Whereas, learned counsel for the Hindustan Petroleum Corporation as well as the respondent No.5 submit that now this Court cannot look into this matter as the Hon'ble Supreme Court in a positive manner has directed the Oil Corporation to allot the distributorship to the respondent No.5 and if any modification in the order to be made, it can only be done by the Hon'ble Supreme Court and this Court has no jurisdiction to modify the order of the Hon'ble Supreme Court in any way. At the same time, this issue remained in litigation for about 8 years and in the meantime, there was a change in the explosive norms for the Dimension of the



Godown, in view of the subsequent development and at the behest of the Administration, the location is the same but the plot of the land has been changed.

8. As the Hon'ble Supreme Court in a positive manner has directed to award the distributorship to respondent No.5 and if the petitioner really wants any modification in the direction of the Hon'ble Supreme Court, it will be prudent for him to approach the Hon'ble Supreme Court for the same.

9. In such view of the matter, this Court does not find any substance to interfere in the matter. Accordingly, this writ application is dismissed.

10. The interim relief order passed by this court shall stands vacated.

(Shivaji Pandey, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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