

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1675 of 2016

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1. M/s K. K. Roadways through its Proprietor Kanchan Kumar, Son of Sri Radhe Prasad, Resident of Village- Dohra, P.S- Nardiganj, District- Nawada.
 2. M/s Om Sai Associates through its Proprietor Bipul Kumar, Son of Radhe Kant Prasad Singh, Resident of Mohalla- Postmortem Road, Shiv Nagar, P.O., P.S. & District- Nawada.
 3. Shailesh Kumar, Son of Bishun Deo Prasad, Resident of Mohalla- Jawahar Nagar, Near Old Patna Bus Stand, P.O., P.S. & District- Nawada.
 4. Girish Kumar, Son of Late Naumi Singh, Resident of Flat No. 401, Sri Bhagwat Kunj Apartment, Sardar Patel Path, North S.K. Puri, Boring Road, P.O & P.S.- S.K. Puri, District- Patna.

.... Petitioner/s

Versus

1. The Indian Oil Corporation Limited through Director (Marketing), Marketing Division, Head Office, Mumbai.
2. The General Manager, Bihar State Office, Indian Oil Corporation Limited, 5th Floor, Lok Nayak Jay Prakash Bhawan, Dak Bunglow Road, Patna.
3. The Deputy General Manager, Marketing Division, Bihar State Office, Indian Oil Corporation Limited, 5th Floor, Lok Nayak Jay Prakash Bhawan, Dak Bunglow Road, Patna.
4. The Chief Manager (LPG), Indian Oil Corporation Limited, Marketing Division, Bihar State Office, 5th Floor, Lok Nayak Jay Prakash Bhawan, Dak Bunglow Road, Patna.
5. M/s Raj Shree Associates through its proprietor Rajeshwar Prasad, Sahu Colony, Station Road, P.O., P.S. & District- Nawada.
6. M/s Shiv Jyoti Road Lines through its proprietor Yogindra Tanti, Resident of Village- Moshadpur, P.O- Tiltrath, P.S.- Barauni Refinery, District- Begusarai.
7. M/s Satyam Glass and Hardware through its proprietor Subodh Kumar, At- Papror, P.O.- Papror, P.S.- Barauni, District- Begusarai
8. M/s Raj Roadways, Sahu Colony Station Road, Nawada, Bihar through its proprietor Rajesh Kumar, Son of Shri Bishundeo Prasad Gupta, Resident of Mohalla- Jawahar Nagar, Ward No. 14, P.O., P.S. & District- Nawada
9. Bihari Babu Transport Service through its proprietor Shekhar Kumar alias Bihari Babu, Resident of Village Harpur, P.O- Barauni, P.S.- Barauni Refinery, District- Begusarai.
10. Anand Roadways through its proprietor Anand Mohan, Resident of Mohalla- Station Road, P.O., P.S. & District- Nawada
11. Pravin Kumar Singh, Resident of Village- Harpur, P.O & P.S.- Barauni Refinery, District- Begusarai.
12. Laxmi Rani Carrier through its proprietor Anil Kumar, Resident of Sahu Colony, Station Road, Nawada, P.O., P.S.. & District- Nawada.
13. Diamond Carriers through its proprietor Ajay Singh, Resident of Village- Musadpur, P.O & P.S.- Barauni Refinery District- Begusarai.
14. Subh Kamna Road Lines through its proprietor Kumar Vimal, Resident of Sahu Colony, Station Road, Nawada, P.O, P.S. and District- Nawada
15. Chandan Roadlines through its proprietoe Chandan Kumar, Resident of Village- Chetawe, P.O & P.S.- Singhaul, District- Begusarai.
16. Royal Havard Marketing Solution Pvt. Ltd. through its proprietor Shyam



Kumar, Resident of Village- Paprole, P.S.- Barauni, District- Begusarai.

17. Bhawani Indane through its proprietor Padma Kumari, Resident of Town, P.O & P.S.- Triveniganj, District- Supaul.

18. Balajee Transport Company through its proprietor Suresh Sultania, Resident of Village Teghara, P.O & P.S.- Teghara, District- Begusarai.

19. Krishna Kumar Singh, Resident of Mohalla- Akharaghat, P.S.- Bahadurpur, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Sahi,
Mr. Sunil Kumar Sharma, Advocate.

For the Respondent/s : Mr. Anil Kumar Jha, Sr. Advocate.
Mr. Sanat Kumar Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-02-2017

Heard learned counsel for the petitioners and learned
counsel for the Indian Oil Corporation.

In the present writ petition, petitioners are challenging the
Letters of Intent issued in token of award of tender contained in
tender ID 2015, BSO 19016-1.

Petitioners are challenging the allotment of work to
respondent nos. 6 to 19 making an allegation that respondents
authorities have wrongly accepted their tenders and allotted the
work order. The matter relates to transportation of LPG Cylinder
from the Bottling Plant. Petitioners and others have applied for
the same and they have been selected, as per Indian Oil
Corporation petitioner no.1 is LI-13 and petitioner no.2 is LI-15.
Whenever their turn will come they will be provided the work



order. The main allegation is leveled against two Roadways i.e. M/s Satyam Glass and Hardware as well as against M/s Raj Roadways stating that M/s Satyam Glass and Hardware has furnished details of three vehicles, UP54U2387, UP76S4465 and UP76Q1698 and all are registration of motor-cycle over which Cylinder cannot be transported whereas M/s Satyam Glass and Hardware should have been provided the truck instead of the motor cycle itself shows that he has committed misrepresentation and fraud for the purposes of getting his position above in the merit list for the purposes of allotment of work.

Learned counsel for the Indian Oil Corporation, from the documents which have been annexed by the petitioners themselves at page 106, 107, 108, has pointed out that the chassis number which has been mentioned in the merit list is quite different to the chassis number of the information he has obtained and annexed with this writ petition. He has submitted that after selection the trucks which were to be engaged for carriage were brought to assigned place within the premises of the Indian Oil Corporation, whereafter physical condition of truck was verified, accordingly on the basis of the age of vehicle seniority of contractors has been prepared. Further submitted M/s Satyam Glass and Hardware has given correct vehicle numbers are trucks



and meant for carrying for transportation of LPG Cylinder.

Second complaint has been given about M/s Raj Roadways and allegation has been made that this Roadways has been blacklisted by HPCL but even then that Roadways has been selected and work order has been given to him. He has placed reliance on paragraph 23 of the counter affidavit from where it appears that M/S Raj Roadways was excluded for six months vide letter dated 26.2.2013 and in such manner after six months it cannot be said that he was carrying the stigma of black listing and further submits that respondent Corporation has made merit list in terms of the age of the vehicle, their vehicle condition and after assessment sub categories have been made which has been disputed by the learned counsel for the petitioners.

These are disputed question of facts, cannot be adjudicated in the present proceeding. The petitioners are directed to make detailed complaint to the General Manager, Bihar State Office, Indian Oil Corporation Limited, Patna who will consider the facts mentioned in the complaint petition and take decision in accordance with law. If any complaint is filed by the petitioners within a period of two weeks from the date of receipt/production of a copy of this order, the General Manager,



Bihar State Office, Indian Oild Corporation Limited, Patna is supposed to look into the matter and dispose of the complaint within a period of eight weeks from the date of filing of the same.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.2.2017
Transmission Date	NA

