

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11629 of 2013

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Nirala Devi Wife of Sri Hemant Kumar Choudhary Resident of Village -
Kolhanta - Patori, Police Station - Moro, District - Darbhanga

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Oil and Natural Gas, through the Secretary, Govt. of India, New Delhi
2. Indian Oil Corporation Limited, through the Chairman, Indian Oil Corporation, G - 9, Ali Yabur Junj Marg, Bandra (East), Mumbai
3. The General Manager, Indian Oil Corporation Limited, Bihar State Office, Patna
4. The Senior Divisional Sales Manager (Retail) Divisional Office, Indian Oil Corporation Limited, B - 70, Begusarai Refinery Township, Begusarai - 851117
5. The Regional Manager, G.M. Retail Sales, Regional Services, Indian Oil Corporation Limited Building, Gauria Hal, Near Dakuria Bridge, Kolkata
6. Mr. Sajid Khan, the Area Sales Manager, Division Office, Muzaffarpur, Indian Oil Corporation through Senior Divisional Sales Manager (Retail) Indian Oil Corporation Limited, B - 70 Begusarai Refinery Township, Begusarai
7. The Vigilance Officer, Indian Oil Corporation, through the Regional Manager, G.M. Retail Sales, Regional Services, Indian Oil Corporation Limited Building, Gauria Hal, Near Dakuria Bridge, Kolkata
8. Smt. Soni Devi, Wife of Ram Shankar Prasad Rai Resident of Village - Dagharaul, Post Office - Rupalighat, Police Station - Bishanpur, District - Darbhanga

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. K.D.Chatterjee, Sr. Advocte

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2018

The present writ petition has been filed for a direction to the respondent Oil Corporation to disqualify the application of the selected applicant (Respondent No. 8) and to withdraw the letter of intent issued to her.



2. Learned counsel for the petitioner submits that the plot of land offered by the respondent no. 8 for the retail outlet is ineligible for consideration in terms of Clause 16 of the guidelines for selection of retail outlet dealers as contained in the brochure of the respondent-Corporation. The petitioner filed a complaint before the respondent-Corporation in this regard, *inter alia*, also alleging *mala fide* against the officials of the Indian Oil Corporation Limited in the matter of selection of the respondent no. 8 for award of the retail outlet.

3. Mr. K.D. Chatterjee, learned Senior Counsel appearing on behalf of the respondent-Corporation invites reference to the memo dated 10.07.2013 (Annexure-R/6 to the counter affidavit) issued by the Corporation disposing of the petitioner's complaint with the finding that the complaint could not be substantiated. It was, *inter alia*, concluded that the marks given under the parameter OH/LT wire seems correct and the minimum required plot dimension of 20 mtr. x 20 mtr. was available without having electric wire crossed. Reference is also invited to Clause 3.4.1.2 of the relevant guidelines which reads as follows –

“Amongst other things, a plot of land will be treated as unsuitable if entire plot/part thereof is likely to be acquired due to plan to construct flyover, road widening, etc. It will also be treated unsuitable if high-



tension overhead electric line passes over the plot. However, in case of part of the plot becoming unsuitable, if the remaining part is adequate for development of RO, the same can be considered."

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The complaint of the petitioner has been considered and disposed of by the respondent-Corporation in its memo dated 10.07.2013 (Annexure-R/6 to the counter affidavit). The main objection with regard to overhead wire on the offered land of the respondent no. 8 does not appear to be sustainable in view of Clause 3.4.1.2 of the guidelines as it appears that such plot of land would have been unsuitable only in the event that the requisite dimension of 20 mtr. x 20 mtr. was not available without electric wire passing over the plot. In the instant case, it has been found that the requisite dimension of 20 mtr. x 20 mtr. was available without having any electric wire crossed and hence the offered land was rightly not treated as unsuitable. Despite a copy of the counter affidavit having been served on learned counsel for the petitioner more than one year ago, no rejoinder thereto has been filed. The petitioner has also not filed any amendment petition to challenge the memo dated 10.07.2013 by which the complaint was finally disposed of by



the respondent-Corporation.

5. In the circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	NA

