

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12397 of 2013

- =====
1. Parsuram Singh Son Of Sri Bindeshwar Singh Resident Of Village - Raghopur,
Police Statio - Fatehpur, District - Gaya
 2. Sheo Shankar Choudhary Son Of Late Shyam Choudhary Resident Of Mohalla -
Abgila Devi Asthan, Police Station - Buniyadganj, District - Gaya

.... Petitioner/s

Versus

1. The Chief General Manager Hindustan Petroleum Corporation Limited, 17,
Jamshedji Tata Road, Mumbai - 20
2. The Senior Regional Manager Hindustan Petroleum Corporation Limited, 17,
Lok Nayak Jaiprakash Bhawan 6th Floor, Post Box No. 40, Dak Bunglow
Chauk, Patna - 1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate

For the Respondent/s (HPCL) : Mr. Rajeev Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 17-09-2018

Heard learned counsel for the parties.

2. The present writ petition has been filed for a direction to the respondents to grant retail outlet dealership at location on left hand side within five kilometer from Fatehpur to Manpur on State highway 70 within the District of Gaya.

3. Learned counsel for the petitioners submits that the



fee of Rs.1,000/- was duly deposited by cheque along with the application form as evident from Clause-16 of the Application Form (Annexure-1). It is submitted that the respondents have acted arbitrarily in rejecting the application of the petitioner on the ground the required application fee had not been deposited.

4. Learned counsel for the respondent-Corporation, on the other hand, invites reference to the Guidelines for Selection of Retail Outlet Dealers contained in the Brochure (Annexure-R/1/4). It is pointed out that paragraph-9(c) unequivocally required that in case of partnership, each partner was required to submit separate application along with separate application fee as applicable. It is pointed out from the own letter of petitioner no.1 as contained in Annexure-8 that he had taken the petitioner no.2 as partner, and according to the Rules, they were required to deposit separate application fee but inadvertently the fee relating to petitioner no.2 was missed to be deposited.

5. Having heard the parties and on consideration of the materials available on record, this Court finds the writ petition to be devoid of merit. A bare perusal of the letter of the petitioner no.1 referred to above discloses that he was fully aware that separate application fee was required to be deposited in respect of petitioner no.2, which was, however, inadvertently missed to be deposited. No



fault can therefore be found in the decision of the respondent- Corporation in rejecting the application of the petitioners, which is said to be a partnership firm.

6. The writ petition stands dismissed.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22-09-2018
Transmission Date	N/A

