

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14071 of 2017

=====

Bharat Petroleum Corporation Limited through its Territory Manager (Retail)
Patna Manish Kumar aged 42 years, S/o S.N. Roy, R/o Parmanand Path,
Nageshwar Colony, Boring Road, Patna, P.S. Buddha Colony, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Gaya.
2. District Magistrate, Gaya.
3. District Transport Officer, Gaya.
4. Sub Divisional Officer, Sadar, Gaya.
5. Assistant District Supply Officer, Sadar, Gaya.
6. Officer In-charge of Rampur, P.S. Gaya.

.... Respondents

=====

Appearance :

For the Petitioner	:	Mr. P.K. Shahi, Sr. Advocate. Mr. Siddhartha Prasad Mr. Om Prakash Kumar, Advocates.
For the State	:	Mr. Arvind Ujjawal, SC-4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-01-2018

Heard learned Senior counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for quashing
the joint report dated 28.08.2017 signed by the respondents and to
unseal the Company Owned Company Operated (COCO) Retail Outlet
(Petrol Pump) of Bharat Petroleum Corporation Ltd. situated at Gaya
and to hand it over to the Oil Company so as to enable it to resume
sales.

3. Mr. P.K. Shahi, learned Senior counsel appearing on
behalf of the petitioner submits that the first part of the relief sought



with regard to quashing of the joint report dated 28.08.2017 need not be pressed and accordingly the prayer in this behalf is rejected.

4. As regards, the prayer for unsealing the Retail Outlet, it is submitted that appropriate action has already been taken against the erstwhile service provider who was found to have wrongly decanted High Speed Diesel in underground Motor Spirit Tank, by way of termination as service provider and an F.I.R. having been instituted in Rampur P.S. Case No. 289 of 2017 (Annexure-6), her Bank guarantee having been invoked (Annexure-7) and issuance of L.O.I. for appointment of new service provider (Annexure-8). It is submitted that no fruitful purpose would be served by keeping the Retail Outlet sealed. Appropriate sample etc. has already been drawn and no prejudice will be caused to anyone if the Retail Outlet is unsealed.

5. Learned counsel for the respondents appears and has been heard. In view of the action taken by the petitioner Corporation, he is unable to assign any reason to justify keeping the Petrol Pump sealed.

6. Having regard to the respective stand of the parties and on consideration of the materials on record, this Court is of the view that no purpose would be served by retaining the seal on the Petrol Pump as necessary formalities in connection with the F.I.R. have already been undertaken. The petitioner-Corporation has already issued L.O.I. on 01.09.2017 for appointment of a new service provider



to enable distribution of Petrol and Diesel to the general public.

7. In the above view of the matter, the writ petition is allowed with a direction to the respondent-State to take expeditious steps to unseal the Company Retail Outlet of the petitioner-Corporation situated at Gaya.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.01.2018
Transmission Date	N.A.

