

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1226 of 2017

In
Civil Writ Jurisdiction Case No.15390 of 2016

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1. Chaitanya Singh, S/o- Sri Karan Singh, Resident of Village- Chaugain, P.O.- Chaugain, P.S.- Murar, District- Buxar, Bihar.
 2. Vijay Pratap Singh @ Binjay Pratap Singh, S/o- Late Ram Vilas Singh, Resident of Village- Indore, P.S.- Itahari, District- Buxar, Bihar.

... .. Appellant/s

Versus

1. The Hindustan Petroleum Corporation Ltd. through the Chairman Cum Managing Director, 17 Jamshedjee Tata Road, Mumbai.
2. The Director (Marketing), Hindustan Petroleum Corporation Ltd., 17 Jamshedjee Tata Road, Mumbai.
3. The General Manager (Retails), Hindustan Petroleum Corporation Ltd. North Zone, 1, Nehru Enclave, Gomti Nagar, Lucknow- 226010, Uttar Pradesh.
4. The Chief Regional Manager (Patna Retail), Hindustan Petroleum Corporation Limited, Lok Nayak Jaiprakash Bhawan, 5th Floor, Near Dak Bunglow Road Patna.
5. Arvind Pratap Sahi, S/o Ramesh Pratap Shahi, Resident of Village and Post- Chaugain, P.S.- Murar, District-Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Singh Advocate Mr. Praveen Kumar
For the Respondent/s	:	Mr. Rajeev Prakash

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

5 28-06-2018 Heard learned counsel for the appellant and counsel
for the respondent-Hindustan Petroleum Corporation Limited.

The writ application of the present appellants came to
be dismissed by the Learned Single Judge vide impugned order,
dated 10.03.2017.



The primary reason why these appellants seem to have lost out at the stage of scrutiny itself for consideration of Retail Outlet Dealership, advertised by the Company is for the reason that they failed to give a definite answer with regard to Clause 9 A of the application form. The position which emerges from the pleadings is that the Retail Outlet Dealership was 'A site Dealership', meaning thereby that it has to be Company Controlled and land can be either offered by the selected dealer on outright sale or at least on lease for 30 years.

Since the intention of the appellants as to what they would like to do with the land had not been indicated by them in that column, by leaving it blank, the Learned Single Judge has rightly held that in absence of clear answer to the said clause the rejection of the application for not completing details of Clause 9A of the application form was fatal for the present appellants. The Oil Company to that extent cannot be said to have acted irrationally or arbitrarily by rejecting the claim or the application form in the very first place.

We have also gone through the original application filed by the appellants and we see that Column 9A has been intentionally left unanswered, which goes to the core of the issue keeping in mind the nature of the dealership and the



selection which was required to be made.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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