

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 337 of 2018**

Alok Dagla, Late S. L. Dagla, Aged About 38 Years Through Its Proprietor M/s Anand Transport Corporation Indian Oil Transporter, H. No. C/179, Sector 2, Bajaj Colony, New Rajendra Nagar, Raipur, Police Station New Rajendra Nagar, Tahsil And Civil And Revenue District Raipur, Chhattisgarh.

---- **Petitioner****Versus**

1. Union Of India Through Its Secretary, Department Of Ministry Of Petroleum And Natural Gas, Shastri Bhawan, New Delhi, 110001, India.
2. Territory Manager, Retail, Bharat Petroleum Corporation Limited, Shahid Veer Narain Complex, 1st Floor, Opposite Collectorate, Near Nagar Ghadi Chowk Raipur, Police Station City Kotwali, Tahsil And Civil And Revenue District Raipur, Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Ratnesh Kumar Agrawal, Advocate
For Respondent No.2	: Shri Sourabh Sharma, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board****Per Thottathil B. Radhakrishnan, Chief Justice****07/02/2018**

1. Heard learned counsel for the petitioner and the learned counsel for the second respondent.
2. Bharat Petroleum Corporation Limited (for short, 'BPCL') a Government Enterprise Company dealing in petroleum products invited tenders for providing tanker lorries. That contract was finalized. The petitioner was not successful. With the passage of time BPCL wanted more tanker lorries to be available immediately for the purpose of transporting petroleum products

within the territorial limits of Raipur retail territory. Therefore, treating the available contractors as a group, BPCL offered to them that they may express interest to provide additional tank lorries which would be around 28 in number. The petitioner who had lost this bid for the first contract has now come forward contending that availing 28 trucks by the method of inviting expression of interest excludes him from competition and BPCL should have gone for open competitive tender for the requisite transport vehicles.

3. Commercial interest of an institution involved in business activity is fundamentally within the domain of its managerial wisdom, logic and reason. When such an enterprise is a public enterprise, rules of fair play, fairness and transparency will have to be shown, if challenged. We do not see any illegality, irrationality or arbitrariness in BPCL having decided to confine the field of choice to persons who are already those who are providing tanker lorries following an earlier open competition. Therefore the invitation of expression of interest by those persons to provide the additional tanker lorries which are now sought for, would not give any justiciable ground for the petitioner to litigate on the issue in writ jurisdiction.
4. For the aforesaid reasons, this writ petition fails. The same is accordingly dismissed *in limine*.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge