

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 7285 of 2006**

- Smt.Archana Shah, aged about 32 years, wife of Shri Pravesh Shah, resident of MIG 137 Padmanabhpur, Durg, District Durg (CG)

---- Petitioner**Versus**

1. The Indian Oil Corporation Ltd. Marketing Division, Raipur, Divisional Office, Indian Oil Bhawan, VIP Road, Rajiv Gandhi Marg, PO Ravigram Telibandha, District Raipur (Chhattisgarh)
2. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Limited, Indian Oil Bhawan, VIP Road, Rajiv Gandhi Marg, PO Ravigram Telibandha, District Raipur (Chhattisgarh)
3. Chief Division Retail Sales Manager, Indian Oil Corporation Limited, Indian Oil Bhawan, VIP Road, Rajiv Gandhi Marg, PO Ravigram Telibandha, District Raipur (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Tarun Dadsena, Advocate on behalf of Mr. TK Tiwari, Advocate
For Respondents	Mr. Animesh Verma, Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****26/9/2018**

1. Heard.
2. The petitioner is aggrieved by the order dated 24.11.2006, whereby, his representation against cancellation of LOI has been rejected. The respondent- Oil Company initiated process for selection of dealer for the retail outlet and SKO-LDO outlet, Abhanpur District Raipur, in which, at the end of selection process, the petitioner was issued LOI on 21.11.2005,

however, subsequently, it came to the notice of the competent authority that the application form submitted by the petitioner had certain inherent flaws. Therefore, the LOI was cancelled or withdrawn, against which, the petitioner preferred WP No.66/2006 before this Court, which was allowed quashing the respondents' order dated 19.12.2005 withdrawing the LOI. However, liberty was reserved in favour of the Oil Company to pass appropriate orders after issuing notice to the petitioner and giving her a reasonable opportunity of being heard.

3. After the said order, the petitioner was granted personal hearing on 3.11.2006 and thereafter, the impugned order Annexure P/8 has been passed rejecting her representation with further observation that the Oil Company has decided to conduct re-interview for the SKO-LDO dealership at Abhanpur District Raipur, for which, she is also eligible.
4. It is argued that the petitioner was having the land even at the time of submission of application, therefore, the ground on which the LOI has been cancelled does not exist.
5. Per contra, learned counsel for the respondents would submit that the competent authority have recorded a clear finding that in the petitioner's application form, she did not mention particulars of the land available with her nor submitted any proof in form of revenue papers mentioning her name as owner of any land suitable for establishment of retail outlet.
6. The petitioner has not filed any rejoinder to controvert the said

statement in the return nor the petitioner has filed any other proof that in her application for allotment of retail outlet, she had mentioned the land offered for opening of the retail outlet. If the petitioner had failed to provide details of the land for establishment of the retail outlet, the marks awarded to her on the head 'land' could not have been allotted and in such condition, she would not have been in the first position in the merit list. Even otherwise, if the petitioner had all the credentials *viz-a-viz* eligibility, it was open for her to have participated in the selection process as intimated to her in the impugned order.

7. This petition is pending since last about 12 years without there being any interim order in the petitioner's favour restraining the respondent-Oil Company to allot the subject outlet to any other person. By this time, the retail outlet has been allotted to some other person. The said person has not been arrayed as party in this petition.
8. Therefore, for the all the above stated reasons, either on merits or on the ground of lapse of substantial time and intervening events during the pendency of the petition, I do not find any ground to entertain the writ petition.
9. The writ petition is accordingly dismissed. Sd/-

(Prashant Kumar Mishra)

Judge

Shyna