

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2872 of 2018**

1. Abhishek Agrawal, S/o Rajendra Prasad Agrawal, Aged About 30 Years, R/o Behind Champa Railway Station, Champa, District- Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. Hindustan Petroleum Corporation Limited, A Government Of India, Enterprises, Through Its General Manager, 17 Jamshedji Tata Road, Mumbai, Maharashtra.
2. Senior Regional Manager, Hindustan Petroleum Corporation Limited, Madina Manjil, 2nd Floor, Medical College Road, Raipur, District- Raipur, Chhattisgarh.
3. General Manager, Hindustan Petroleum Corporation Limited, 771, Anandpur, Opposite Em Bypass, Calcutta.
4. Sub-Divisional Officer, Public Works Department, Sakti, Division Sakti, District- Janjgir-Champa, Chhattisgarh.
5. Chief Vigilance Officer, Hindustan Petroleum Corporation Limited, Petroleum House, 17, J. Tata Road, Church Gate, Mumbai, Maharashtra.
6. Rishabh Agrawal, S/o Vinod Kumar Agrawal, Aged About 24 Years, R/o Ward No. 7, Near Ram Mandir, Hatri Road, Sakti, District- Janjgir-Champa, Chhattisgarh.
7. Vinod Kumar Agrawal S/o Late Shankarlal Agrawal, Aged About 57 Years, R/o Ward No. 7, Near Ram Mandir, Hatri Road, Sakti, District- Janjgir-Champa, Chhattisgarh.

---- Respondents

For Petitioner :-	Shri Manoj Paranjpe & Shri Prasoon Agrawal, Advocate.
For Respondent/HPCL:-	Shri Ali Asgar, Advocate.
For Respondent/State :-	Shri Avinash Singh, Panel Lawyer.

Order On Board**By****Prashant Kumar Mishra, J.****22/10/2018**

1. Petitioner has prayed for quashment of the allotment made to the respondent No.6 for Kisan Sewa Kendra Dealership (for short 'KSK Dealership') at Kanchanpur-Bandhwa Talab-Sakreli Road, Tahsil Sakti, District Janjgir-Champa.
2. Challenge is thrown mainly on the ground that the land offered by the petitioner has been rejected on the ground that it is less than the size mentioned in the advertisement and further it is situated outside the advertised area. It is also challenged on the ground that the subject outlet being the rural outlet cannot be set up at the indicated place because the same is State Highway vide gazette notification No.214 dated 30-3-2015.
3. Perusal of the writ petition along with annexures would demonstrate that raising the above mentioned plea the petitioner had moved a representation before the Hindustan Petroleum Corporation Limited (for short 'the HPCL') which has been rejected vide communication dated 17-7-2018 (Annexure – P/1). In the said communication, it is categorically stated that as on the date of issuance of advertisement i.e. on 14-10-2014 the subject area was not notified as State Highway. The said notification declaring part of the area of State Highway was issued by the State Government on 30-3-2015, copy of which has been filed by the petitioner himself as Annexure – P/9. It has also been

stated that the advertised place falls within the jurisdiction of Gram Panchayat, Borda, and is not within the urban area, therefore, petitioner's contention to the contrary is not acceptable.

4. Having perused the pleadings and materials it does not appear that the reason assigned by the HPCL for rejecting the representation suffers from any perversity. When the subject place was not notified as State Highway on the date of advertisement, any subsequent notification would not effect the validity of the advertisement. It is also to notice that the petitioner himself was an applicant, but is not praying any relief for his own benefit. A person who himself was not qualified for obtaining retail outlet dealership may not later on turn around and assail the very advertisement under which he had earlier applied but was not found eligible.
5. In the matter of grant of dealership or for any other subject which is to be considered by the authorities on the basis of the own business standard, the writ court should ordinarily not interfere unless there is serious legal flaw in the entire process. There being no illegality committed by the HPCL while rejecting the petitioner's representation/compliant, there is no scope for interference in this writ petition, which fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Gowri