

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23608 OF 2007

ORDER

This writ petition is filed seeking to declare the action of the respondents in taking steps for appointment of a Bharat Petroleum Corporation Limited, LPG Dealer at Bugganapalle Village, Bethamcherla Mandal, Kurnool District, as arbitrary and illegal and consequently to direct the respondents not to undertake any such appointment without careful examination and ascertainment of the economic viability.

Heard Sri P.Veera Reddy, learned counsel for the petitioner and Sri O.Manohar Reddy, learned Standing Counsel appearing for the 2nd respondent-Corporation.

It is the case of the petitioner that he was appointed as a LPG dealer by the 1st respondent-Hindustan Petroleum Corporation Limited, on 6.6.2001 and since then he has been discharging his duties without any complaint. While working as such, on 1.10.2007, respondents 1 and 2 along with Indian Oil Corporation Limited, jointly had issued a press notification inviting applications from the interested parties for appointment of LPG distributors under various categories in Bethamcherla Mandal of Kurnool District. Questioning the said notification, the present writ petition is filed on the ground that if other LPG dealers of 2nd respondent-Bharat

Petroleum Corporation Limited and other companies are appointed in Bethamcherla Mandal, Kurnool District, there would be unavoidable unhealthy competition, on account of which, loss would be caused to the petitioner.

While admitting the writ petition on 7.11.2007, this Court granted interim direction to the effect that selection process of dealership in Bethamcherla Mandal, Kurnool District may go on, but, however, the same shall not be finalized.

I have considered the rival contentions of the learned counsel on either side.

It is the contention of the learned counsel for the petitioner that if other dealers are appointed in the locality where the petitioner is running his dealership, there would be unavoidable unhealthy competition. It is an undisputed fact that the petitioner is the distributor of the 1st respondent-Corporation for more than 20 years in Bethamcharla Mandal, Kurnool District and therefore, this Court is of the view that the question of the unhealthy competition would not arise even if other LPG distributors are newly appointed in Bethamcherla Mandal, Kurnool District. Further, the petitioner herein is challenging the notification issued by respondents 1 and 2 and Indian Oil Corporation Limited. The petitioner has no locus standi to challenge the notification

issued by the other oil companies for appointment of their LPG dealers in Bethamcherla Mandal. In the above circumstances, the present writ petition is not maintainable.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

16th April, 2018
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