

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1406 of 2019

Shri Vikesh Kumar Agrawal S/o Shri Chironji Lal Agrawal, Aged About 32 Years R/o Village - Ward No. 4, Katghora District Korba Chhattisgarh.

--- Petitioner

Versus

1. Hindustan Petroleum Corporation Limited through its Chief Regional Manager, 1st Floor, Bajpai Pavilion, Opp. Gumber Petrol Pump, Vyapar Vihar Road, Bilaspur Chhattisgarh.
2. Indian Oil Corp. Ltd., through its Chief Regional Manager, Raipur Divisional Office, Indian Oil Bhavan, Rajiv Gandhi Marg, Telibandha Raipur - 49206, Chhattisgarh.
3. Bharat Petroleum Corp. Ltd., Raipur Retail Territory 4 & 6 Shaheed Veer Narayansingh Bhavan, Nagar Ghari Chowk Raipur - 492001 Chhattisgarh.

--- Respondents

For Petitioner	:	Mr. Ankit Singhal, Advocate
For respondent No.1	:	Mr. Anand Shukla, Advocate
For respondent No.2	:	Mr. Ali Asgar, Advocate
For respondent No.3	:	Mr. Tarkeshwar Nande, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.04.2019

1. The present petition has been filed on the ground that an advertisement was made by different petroleum oil Companies with a condition that at a single spot by de-duplication process, two petroleum outlets of different Companies would not be installed. It is contended that despite the aforesaid condition, Hindustan Petroleum Corporation Ltd., and the Indian Oil Corporation have selected the same spot i.e., 2 K.Ms., distance from Birra Chowk in village Birra towards Champa on SH-9. It is

contended that the petitioner who is in queue for getting the dealership of HPCL, the Indian Oil Corporation could not have conducted the process of selection of dealers at the same spot. Learned counsel for the petitioner, therefore, prays that the said process to conduct the selection by respondent No.2/IOCL on the same spot may be stayed.

2. Learned Counsel for the respondents would submit that the distance from selection point which has been sought for would show the range of two 2 Kilometers is fixed from Birra Chowk in village Birra towards Champa, therefore, the said distance of two K.Ms., cannot constitute to be a singular spot as the both the Companies may choose to have a petrol pumps/outlets within a range of two K.Ms.
3. Perused the documents filed along-with the petition. In the notice for appointment of Regular/Rural Retail Outlet Dealerships, the HPCL has notified the location of petroleum pump at Serial No.722 and ear-marked area is shown within 2 K.Ms., from Birra chowk in village Birra towards Champa. Likewise the IOCL in their notice (Annexure P-2) at Serial No.439 has shown the retail outlet to be located at Birra chowk in village Birra towards Champa and has shown the location i.e., 2 K.Ms., from Birra Chowk towards Champa. The distance of 2 K.Ms., is spread over in both the advertisements. For all practical purposes, it cannot be assumed that the distance of 2 K.Ms., would be one spot only and there cannot be another petrol pump in such long stretch as it is

evident that both the Companies had chosen to place their dealer within a spread over area/range of 2 K.Ms., from Birra Chowk in village Birra towards Champa. In the notice to appoint retail outlet dealers, mode of selection is shown to be different i.e., one is by bidding process and the other is by draw of lots. The petitioner cannot be said to have been aggrieved by such mode of selection. Therefore, the right of the petitioner cannot be said to be infringed as the area of location which has been ear-marked stretched over two kilometers and to locate/install a petrol pump, 10,000 to 20,000 sq.ft., land may be required. Consequently no restraint order can be passed that the IOCL may not select and appoint the dealer to install the retail out-let within the area of 2 K.Ms., for which the petitioner is proposing his candidature of HPCL. Accordingly, the petition has no merits and is dismissed.

**Sd/--
(GOUTAM BHADURI
JUDGE**