

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1658 of 2019**

- Shubham Agrawal, S/o. Late Shri Kanhaiyalal Agrawal, Aged About 28 Years
Proprietor Kanhaiyaji Fuel Chichola Road, Chhuriya, R/o Chhuriya, Tahsil
Chhuriya, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. Bharat Petroleum Corporation limited A Government Of India, Enterprises,
Through Its General Manager, HO 12/ENF Maker Towers, Cuffe, Parade, Post
Box No. 19949, Mumbai, Registered Office Bharat Bhawan, 4 And 6,
Currimbhoy Road, Ballard Estate, Mumbai(Maharashtra)
2. Senior Regional Manager/territory Manager, Bharat Petroleum Corporation
Limited, Shaheed Veernarayan Complex, 1st Floor, Near Ghadi Chowk, In Front
Of Collectorate, Raipur, District Raipur, Chhattisgarh
3. General Manager, Bharat Petroleum Corporation Limited, HO 12/ENF Maker
Towers, Cuffe, Parade, Post Box No. 19949, Mumbai, Registered Office Bharat
Bhawan, 4 And 6, Currimbhoy Road, Ballard Estate, Mumbai(Maharashtra)
4. Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh
5. Chief Vigilance Officer, Bharat Petroleum Corporation Limited, HO 12/ENF
Maker Towers, Cuffe, Parade, Post Box No. 19949, Mumbai, Registered Office
Bharat Bhawan, 4 And 6, Currimbhoy Road, Ballard Estate,
Mumbai(Maharashtra),
6. Indian Oil Corporation Limited, Through Its Senior Regional Manager, VIP
Road, Telibandha, Ravigram, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondents No.3 & 5	:	Shri Sourabh Sharma, Advocate
For Respondent/State	:	Shri Avinash Singh, PL
For Respondent No.6	:	Shri Anand Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/05/2019**

1. Heard.
2. The present is for the reason that an advertisement was made by the Oil Company BPCL that the oil company has advertised for a petrol pump from Churiya Bus Stand to Chichola Road within 7 Kms, which has been categorized in the rural area, whereas the guidelines provide that the Rural area would be defined as the place which is not on the highway and outside the municipal limits. It is contended that the petitioner is running a petrol pump at Rajnandgaon district and as per the policy of the oil companies, if a complaint is made on payment of amount of Rs.5000/- that would be decided and in case if the oil company do not want to decide the same, the amount would be returned.
3. Learned counsel for the petitioner would submit that the respondent BPCL Company may be directed to either decide the complaint/objection of the petitioner or in turn return the amount of Rs.5000/-.
4. Perusal of the documents filed along with the petition would show that the guidelines which has been issued for the distribution of the outlet by draw of lots, clause 18 of the guidelines provides that in case someone wants to make a complaint then it is to be accompanied with a draft of Rs.5000/-. Likewise, clause 18 (vi) of the guidelines contains that it is in the discretion of the company that if they do not want to decide the complaint, the amount would be returned to the complainant. The petitioner has made a complaint vide

Annexure P-2 on 04.03.2019 and a draft of Rs.5000/- was also tendered. Therefore, as per the own guideline of the respondents, they have to either decide the complaint or if they do not want to decide the same, the amount has to be returned to the petitioner. Consequently, it is directed that the objection so made by the petitioner may either be decided or if the company feels it expedient that they do not want to decide the same, it shall return the amount to the petitioner as per the clause 18 of the Guidelines filed as Annexure P-4. It is further directed that the entire exercise may be carried out within a further period of two months from the date of receipt of this order.

5. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu