

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2842 of 2016**

Arun Dhar Diwan S/o Late Devendra Kumar Dubey, Aged About 40 Years  
R/o Gharghoda, P. S. And Tah. Gharghoda, And Distt. Raigarh, Civil And  
Revenue Distt. Raigarh Chhattisgarh

---- Petitioner

**Versus**

1. Union Of India Through Secretary Petroleum Department, Government Of India, New Delhi.
2. Hindustan Petroleum Corporation Limited, Through General Manager Registered Office 17, Jamshed Ji Tata Road, Mumbai 400020.
3. Hindustan Petroleum Corporation Limited, Through Regional Manager, Madina Manzil, 2nd Floor, Medical College Road, P. B. No. 129, Raipur, Distt. Raipur Chhattisgarh 492001.

---- Respondents

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For Petitioner : Shri Manoj Kumar Sinha, Advocate  
For Respondents No. 2 & 3 : Shri Ali Asgar, Advocate

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****30/04/2019**

1. Heard.
2. The present petition is to quash the order dated 27/10/2016 filed as Annexure P-1 issued by Hindustan Petroleum Corporation Limited wherein it was informed to the petitioner that his candidature for the dealership of petrol pump was not found to be eligible as an high tension electricity line of more than 11 KVA

passes through his plot.

3. Learned counsel for the petitioner would submit that wrong reporting was made by the petitioner that land evaluation committee which would reflect from Annexure P-7 issued from the C.G. Electricity Company Ghardhoda wherein over the Khasra No. 390/3 rakba 0.145 hectare no electricity line passes through and there is no proposal to erect any electricity line over it. It is further submitted that under the circumstances on the wrong footing the petitioner was eliminated which requires to be restored.
4. In the reply of the Hindustan Petroleum Corporation Limited it is stated that after the application for retail outlet was received. The land evaluation committee was formed and the said committee visited the spot and on physical inspection found that high tension electricity line passes through the proposed plot wherein petrol pump was to be installed. It is further submitted that while the inspection was carried out the petitioner himself admitted the fact that high tension line which was physically inspected, passes through that land. It is further submitted that actually the land of Khasra number which was submitted was bearing No. 690/3 and therefore whether the high tension line passes through 390/3 or 690/3 becomes immaterial.
5. Perused the documents. Perusal of the reply would show that after the candidature of the petitioner was rejected the retail out

let was allotted to one Dolnarayan Patel.

6. Perusal of the writ petition shows that he has not been made a party. Apart from it Khasra No. 690/3 when was physically inspected on 19/10/2016 as per Annexure R-2/1, the petitioner was also present at the spot wherein he admitted the fact and appended his signature that 33KVA high line passes over the proposed land which was offered for opening of the retail outlet. The said signature of Mr Arun Dhar Diwan is not disputed therefore the petitioner would itself admit that high tension line passes through the proposed land when it was physically inspected. The cancellation of the candidature of the petitioner for the reason that the high tension line passes over the land cannot be faulted.
7. Accordingly, the petition stands dismissed.

Jyoti

Sd/-  
Goutam Bhaduri  
Judge