

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14534 OF 2019

ORDER :

This writ petition is filed challenging the proceedings dt.09.07.2019, issued by the 3rd respondent whereby the petitioner was declared as ineligible for allotment of Retail Outlet dealership at Athmakur Mandal on Raigiri-Mothkur Road, situated within 1 k.m. from intersection of Siddhapuram-Athmakur Road District, Yadadri Bhuvanagiri, and also challenging the action of the respondents in proposing to drawl of lots on 19.07.2019 to re-award dealership of the outlet.

Learned counsel for the petitioner submits that petitioner was provisionally selected for grant of petroleum dealership and the respondents have also fixed a date on 15.07.2019 for site inspection by the land evaluation committee, but, without waiting till that date, they conducted inspection on 06.07.2019 and passed the impugned order without giving any reasons as to why the site provided by the petitioner is not suitable for establishment of retail petroleum outlet. He also submits that though the respondents fixed the inspection date on 15.07.2019 the impugned proceedings are passed on 9.07.2019, which itself goes to show that the respondent authorities have already predetermined to allot the dealership to the third parties.

On the other hand learned Standing Counsel for respondents 1 to 3 submits that petitioner has alternate remedy under Clause-24 of the PSU

Oil Marketing Company's Manual for selection of Dealers for Regular & Rural Retail Outlets, which provides for Grievance Redressal System, but the petitioner instead of approaching Grievance Redressal System, straight away filed this writ petition.

Clause-24 of the PSU Oil Marketing Company's Manual reads as follows;

“24. Grievance Redressal System:

iii) Representation from applicants against rejection of his/her candidature will be verified and disposed of immediately by the Divisional/Regional Head/Territory Manager before proceeding to next stage. For such cases, fee of Rs.5,000/- will not be applicable.”

In view of the same, the petitioner can raise all his objections with regard to his grievance against respondents in disqualifying him for grant of dealership on the ground that the site provided by the petitioner is not suitable.

Learned counsel for the petitioner states that the site provided by the petitioner is within one kilo meter from the advertised location; and that at any rate the petitioner is ready to provide alternate site, if it is found that the site provided by the petitioner is not within one kilometre.

These are all questions of fact which can be gone into by the Grievance Redressal System and the petitioner can raise all his objections before the Grievance Redressal System and on such objections being filed, the competent authority is directed to consider all

his objections in terms of the regulations and take a decision. Till such time, no LOI shall be granted to the third parties.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

16.07.2019
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A.RAJASHEKER REDDY, J



THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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