

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1880 of 2020**

=====

M/s India Road Carriers a proprietorship firm having its place of business at Shambhavi Auto Complex, BOR GATE number 10, Mosadpur, P.O.- Tilrath, District- Begusarai through its proprietor namely Sujeet Kumar Singh alias Sujeet Singh male aged about 33 years son of Sanjay Singh, resident of Ward No. 12, P.O.- Tilrath, district- Begusarai.

... .. Petitioner/s

Versus

1. The Bharat Petroleum Corporation Ltd. Company incorporated under the Companies Act 1956 having its registered office at Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard Estate Mumbai 400001 through its Chairman.
2. The General Manager, Bharat Petroleum Corporation Ltd. Regional Office, Kolkata.
3. The Chief Manager, Transport, Bharat Petroleum Corporation Ltd. Regional Office, Kolkata.
4. The Territory Manager (Retail), Bharat Petroleum Corporation Ltd. Barauni, Territory, Begusarai.
5. The Depot in Charge, Bharat Petroleum Corporation Ltd., Barauni, Begusarai.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                                                                                                                         |
|----------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Gautam Kumar Kejriwal, Advocate<br>Mr. Atal Bihari Pandey, Advocate<br>Mr. Alok Kumar Jha, Advocate<br>Ms. Aishwarya Riti, Advocate |
| For the Respondent/s | : | Mr. Sanjay Singh, Advocate                                                                                                              |

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 25-02-2020**

Heard Mr. Gautam Kumar Kejriwal, learned  
advocate for the petitioner and Mr. Sanjay Singh for the  
BPCL.

The petitioner is aggrieved by the communication  
dated 16.11.2019 made by the Territory Manager (Retail),  
Barauni territory of Bharat Petroleum Corporation Ltd.



intimating the petitioner that one of the tank lorries offered by him was not found to be having all the licenses which was required to be produced along with the vehicle and therefore the same was rejected.

Mr. Kejriwal, learned advocate has submitted that he had offered three vehicles for induction under adhoc transportation scheme against a tender issued by Bharat Petroleum Corporation Ltd. Out of the three vehicles, two were complete in all respects viz. that it was accompanied by all the licenses and papers relating to insurance, PESO license, calibration certificate, registration certificate, fitness certificate and pressure testing certificate.

As a result of the papers being complete with respect to the two vehicles, those were accepted/inducted in the fleet of lorries used by Bharat Petroleum Corporation Ltd. The third vehicle, it has been urged was also offered in expectation of PESO license being given to it before the cut off date.



For some reason which was beyond the control of the petitioner, the PESO license was given to him with respect to the third vehicle only later than the cut off date even though application/requisition for seeking such license was filed much before the cut off date.

A request therefore has been made that the third vehicle which is a new generation vehicle and now for which all the papers and licenses are complete, be also considered for being inducted in the fleet of such adhoc transportation vehicles.

The fact that the vehicle in question did not have complete papers in as much as the PESO license was missing, the same was not considered by Bharat Petroleum Corporation Ltd.

This Court does not find any fault with the aforesaid decision.

It is completely open for the Bharat Petroleum Corporation Ltd. to consider the induction of the vehicle in



question of the petitioner, should it require to do so and if it is permissible under the rules.

This Court only directs the petitioner to make a representation to the Territory Manager (Retail), Barauni territory of Bharat Petroleum Corporation Ltd. within a period of four weeks and such representation shall be considered by the concerned respondent in a holistic manner, keeping in mind the need for induction of any new vehicle and that such induction would not lead to any further litigation in the matter.

With the aforesaid direction/observation, the writ petition stands disposed of.

**(Ashutosh Kumar, J)**

krishna/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 26.02.2020 |
| Transmission Date |            |

