

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2648 of 2020**

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M/s Shambhavi Transport A Proprietorship firm having its place of business at Shambhavi Auto Complex, BRO GATE number 10, Mosadpur, P.O.- Tiltrath, District- Begusarai through its proprietor namely Suman Kumar Singh Alias Suman Kumar male aged about 29 years son of Sanjay Singh, resident of Ward No.11, P.O.- Tiltrath, Near Hanuman Mandir, Telar, District- Begusarai.

... .. Petitioner

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 it's 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.

... .. Respondents

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**Appearance :**

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| For the Petitioner  | : | Mr.Gautam Kumar Kejriwal, Adv.<br>Mr.Atal Bihari Pandey, Adv,<br>Mr.Alok Kumar Jha, Adv.<br>Mrs.Aishwarya Riti, Adv. |
| For the Respondents | : | Mr.Sanjay Singh, Adv.                                                                                                |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      06-03-2020                      The present writ petitioner has been file seeking the following reliefs :-

*"(i) For issuance of a writ in the nature of certiorari for quashing of the letter bearing reference number TPT/Barauni dated 16.11.2019 whereby the petitioner has been intimated about the decision of rejection of the tank lorry bearing registration number BR 09 GA 8526 offered by the petitioner for award of*



*contract of transportation of petroleum products with the respondent Bharat Petroleum Corporation Ltd. (hereinafter referred to as the Corporation for short);*

*(ii) For issuance of a writ or order or direction upon the respondent Corporation and its authorities to accept the said tank lorry bearing registration number BR 09 GA 8526 offered by the petitioner for the purpose of award of contract for transportation of bulk petroleum product in terms of the notice inviting expression of interest dated 26.03.2019;*

*(iii) For holding and a declaration that the tank lorry offered by the petitioner as aforesaid being new and fresh vehicle to be used for the first time would prove to be best in serving the required interest insofar as safety, security and minimization of risk factors contemplated by the national disaster management authority in its guidelines are concerned;*

*(iv) For further holding and a declaration that the non production of license issued by Petroleum And Explosives Safety Organisation (hereinafter referred to as PESO license for short) was a factor beyond control of the petitioner and being under process the petitioner could not attach the same with the documents submitted for the purpose of expression of interest by the cut-off date and therefore such inadvertent default on part of the petitioner could not have been the basis for rejection of the tank lorry which has directly resulted in the idleness of the tank lorry for simple technical reasons; "*

The learned counsel for the petitioner submits that  
now the petitioner has got PESO license for the vehicle bearing



registration No. BR 09 GA 8526 and therefore, he be granted liberty to approach the Territory Manager (Retail), Bharat Petroleum Corporation Ltd., Barauni, so as to enable the petitioner to impress upon the respondent Corporation to induct the vehicles of the petitioner which are now armed with PESO license.

The learned counsel for the respondent Corporation has got no objection, in case the petitioner is granted liberty to approach the respondent Corporation, and he submits that appropriate decision would be taken expeditiously.

Accordingly, the present writ petition stands disposed of with liberty to the petitioner to approach the respondent No. 4 i.e. The Territory Manager (Retail), Bharat Petroleum Corporation Ltd., Barauni, Territory, Begusarai, and in case appropriate representation is filed within a period of four weeks from today, the respondent No. 4 shall take decision upon the same within a period of two weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

**(Mohit Kumar Shah, J)**

K.K.RAO/-

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