

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1500 of 2020

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Binda Kumari, Wife of Brij Kishor Prasad, Resident of Village- Mardapur,
P.O.- Barhangopal, P.S.- Siwan Mufassil, District- Siwan.

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Petroleum Department, Government of India, New Delhi.
2. The Chairman, Bharat Petroleum Corporation Limited, Bharat Bhawan No. 1, 3rd Floor, Ballard Estate, Mumbai- 400001.
3. The General Manager, Bharat Petroleum Corporation, Limited, Bharat Bhawan No. 1, 3rd Floor, Ballard Estate, Mumbai- 400001.
4. The Vigilance, Bharat Petroleum Corporation, Limited, Bharat Bhawan No. 1, 3rd Floor, Ballard Estate, Mumbai- 400001.
5. The Territory Manager, Bihar Petroleum Corporation Limited, Muzaffarpur POL Depot, Village- Sherpur NH- 28, near Narayanpur Anant Railway Bela, District- Muzaffarpur- 842005.
6. The State Head (Retail), Bihar, Bharat Petroleum Corporation Limited, Patna.
7. The Territory Manager (Legal), Bharat Petroleum Corporation Limited, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Ranjeet Kumar, Adv.
For the Respondent/BPCL	: Mr. Siddhartha Prasad, Adv.
	Mr. Rudrank Shivam Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 24-02-2020

Heard Mr. Ranjeet Kumar for the petitioner and

Mr. Siddhartha Prasad assisted by Mr. Rudrank Shivam

Singh for the respondent/Bharat Petroleum Corporation Ltd.

(in short the Corporation).



2. The name of the petitioner was selected in the draw of lots for providing retail outlet dealership of the respondent/Corporation. However, on field verification of the land offered by the petitioner, the same was not found to be within the specifications provided in the advertisement.

3. Learned counsel for the petitioner submits that no reason has been assigned by the respondent/Corporation in not finding the land offered by the petitioner to be suitable for the purpose. Had the reasons being provided, the petitioner would have surely offered another plot of land which would have met the specifications. Apart from this, it has been submitted that according to the petitioner, the land offered by him falls within the perimeter of the specifications provided in the advertisement.

4. In any view of the matter, the decision of the respondent/Corporation informing the petitioner that the land offered by her is not genuine and that her position is relegated to Class-III applicants, does not appear to be justified. While making this observation, this Court has taken into account the concerned clauses in the General



Guidelines for selection of of such dealers which require that in case of land offered not being found to be suitable, one opportunity has to be given to such proposed concessionaire for providing another plot of land in accordance with the specifications within a specified time.

5. For the aforesaid reasons, the intimation dated 08.05.2019, contained in Annexure -5 to the writ petition is set-aside.

6. The respondent/Corporation is directed to inform the petitioner about the reasons for rejecting the land offered and of giving one opportunity, if permissible under the rules, to offer another plot of land within the specifications provided in the advertisement with a time limit.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.02.2020
Transmission Date	N/A

