

24.12.2020.

Item No.3
Ct. No.42
d.c.

W.P.A. 6063 of 2020

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CAN 2 of 2020
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CAN 3 of 2020
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CAN 4 of 2020

Namita Mondal
versus
Indian Oil Corporation Limited & Ors.

Re: CAN 2 of 2020

(an application for recalling of the order dated 03.08.2020)

Mr. Soumya Ray ... For the Applicant (Indumati Routh)
in CAN 2 of 2020.

Mr. M. S. Yadav ... For the I.O.C.

Mr. Ayan Banerjee ... For the State-Respondents.

Mr. Sagar Bandopadhyay,
Mr. Sudip Sarkar,
Mr. Arijit Chakraborty
... For the Petitioner (Namita Mondal)
in CAN 2 of 2020.

The applicant (Indumati Routh) is aggrieved by the order dated 03.08.2020 passed by this Court and has prayed for recalling of the said order.

Mr. Soumya Ray, learned advocate appearing for the applicant (Indumati Routh) submits that the recalling of the order dated 03.08.2020 is warranted on two grounds; firstly, the petitioner did not come with clean hands before the Court and secondly, she has bypassed Clause 27 of the Unified Guidelines for Selection of LPG Distributors.

To that extent, the learned advocate for the petitioner draws the attention of this Court to the

representation made by the petitioner which according to the learned advocate for the applicant is a wrong contention thereby leading to commission of fraud on the Court to obtain an order.

Mr. Ray, learned advocate for the applicant draws the attention of this Court to the orders dated 04.10.2018 and 11.10.2018 passed in W.P. No. 18857(W) of 2018. It appears that the said writ petition was filed by the applicant challenging the order of rejection passed by the IOC authorities. It is further reflected that during pendency of the writ petition, the applicant offered alternate land which according to her was in consonance with the guidelines.

Mr. Yadav, learned advocate appearing for the IOC authorities submits that according to the I.O.C., the initial land so offered was not in consonance with the advertisement and as such, the applicant's offer was rejected. Subsequently, the land which was offered during the pendency of the writ petition was found to be in conformity with the advertisement and the same was allowed. Again, the applicant applied for alteration of the said land which was allowed and the IOC authorities after field verification, issued the Letter of Intent.

Mr. Bandopadhyay, learned advocate appearing for the petitioner (Namita Mondal) submits that the

applicant does not come within the unit of family and the land, which was tendered initially with the application, was outside the jurisdiction and as such, it was incumbent upon the authorities to reject her application. It is his further contention that the present land which has been tendered was purchased after the Letter of Intent was issued by the IOC authorities.

I have heard the contentions advanced by all the parties.

The contentions advanced by all the learned advocates not only confined itself to issues of the guidelines but also details scrutiny of the documents and issues of assessment of facts. This Court by its order dated 03.08.2020 only directed the IOC authorities to consider the representation and the same is because of the anomalies which were raised by the petitioner in respect of the affidavit and the details of the land so provided by the applicant to the IOC authorities. This Court by the order dated 03.08.2020 did not touch the merits of the matter either in respect of adherence to the law or on facts or on the issue of maintainability.

In view of the observations made above, I am of the opinion that no case for recalling has been made out in respect of the earlier order dated 03.08.2020

and accordingly, the application being CAN 2 of 2020 is dismissed.

In view of the pendency of the matter and the issue of allotting the LPG distributorship is pending since 2017, I direct that the IOC authorities should conclude the hearing on two dates i.e. on 29.12.2020 (from 2 p.m. to 5 p.m.) and 30.12.2020 (from 2 p.m. to 5 p.m.) and pass final order on 31.12.2020.

Since all the parties are represented, no further notice is required to be given by the IOC authorities.

Mr. Soumya Ray, learned advocate submits that his name was wrongly recorded in the order dated 12.11.2020 as “Mr. Soumya Roy for the Petitioner”. It is clarified that Mr. Soumya Ray is and was appearing for the applicant (Indumati Routh) and not for the petitioner (Namita Mondal).

In view of dismissal of the recalling application being CAN 2 of 2020, all connected applications pending in respect of W.P.A. 6063 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)