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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 2440 of 2020

Sangita Thakur W/o Pankaj Singh, Aged About 41 Years, R/o House No. 40, Village Chikaldah, Khairagarh, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. Bharat Petroleum Corporation Limited Through Chairman And Managing Director, 12 E And F, Maker Towers, Cuffe Parade, Mumbai 400 005

2. Territory Manager (Retail) Bharat Petroleum Corporation Limited, Regional Office (Retail), Shaheed Veernarayan Complex, 1st Floor, Near Nagar Ghadi Chowk, Raipur 492 001

---- Respondents

For Petitioner : Mr. Yashwant Thakur, Advocate
For Respondents : Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

27.10.2020

1. The grievance of the petitioner in the present writ petition is to the order Annexure P-1 whereby the selection of the petitioner for dealership has been modified from Group-1 and has been brought down to Group-3 only on the ground that the property which was offered by the petitioner situates on the State Highway.
2. The contention of the petitioner supported with a certificate issued by the Sarpanch of the Gram Panchayat is that the location advertised was within 5 Kms. from Amlidih Panitanki Chowk on Khairagarh - Lanji

Road in district Rajnandgaon. According to the petitioner, this is the only road which connects Khairagarh to Lanji and which situates within 5 Kms. from Amlidih Panitanki Chowk and there is no any other road available at the site which connects Khairagah to Lanji. It is also the contention of the counsel for the petitioner that as per the instruction that he has received from his client, the other contestants in the race for allotment of dealership also have property situating on the same road as that of the petitioner, therefore, the petitioner has an apprehension that her case has been malafidely rejected or brought down from Group-1 to Group-3 only to allot dealership to the said persons.

3. Learned counsel appearing for the Corporation on the other hand referring to the advertisement submits that the advertisement issued was both for rural and regular retail outlet dealership. However the location in the present writ petitioner is, within 5 Kms. from Amlidih Panitanki Chowk on Khairagarh - Lanji road. The advertisement itself specifically reflected that it was a rural outlet dealership which was to be awarded. He submits that the identification of locations has been specifically classified as regular and rural and for rural retail outlet, the location has to be in rural areas which means it does not situate on a highway both under NH or SH and also has to be outside the municipal limits of a town. He submits that as regards the scrutiny of other contestants, those are still in progress and no decision has yet been taken and their scrutiny also would be done strictly in accordance with the advertisement and also keeping in view the conditions stipulated in the brochure applicable for selection of a retail outlet dealership. It was further contended that if in the course of scrutiny if the property of other

persons also is found to be on the State Highway, they also would not be entitled for grant of dealership in terms of the brochure which does not allow retail outlets in rural areas to be opened on the NH/SH and also within the Municipal limits.

4. Given the said submissions by the learned counsel for the Corporation, the writ petition at this juncture stands disposed of reserving the right of the petitioner to assail any subsequent order passed by the respondent Corporation contrary to the submissions made by the Corporation in the present set of facts.

5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge

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