

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.25837 of 2013

&

W.P.No.18858 of 2015

S.Vijay ... Petitioner in W.P.No.25837 of 2013
R.Dhayalan ...Petitioner in W.P.No.18858 of 2015

vs

1. The Hindustan Petroleum Corporation Ltd.,
Rep by its Senior Regional Manager,
Coimbatore Regional Office,
18/3, Big Bazaar Street, Coimbatore-641 001
2. R.Dhayalan
R-2 is impleaded as per order Dated:07.10.2015
by M.M.S. J. in MP.1/2015 in WP.25837/2013.
... Respondents in W.P.No.25837 of 2013
1. The General Manager
Hindustan Petroleum Corporation Ltd. South Zone,
Chennai
2. The Senior Regional Manager
Hindustan Petroleum Corporation Ltd.
Coimbatore Regional Office No.18/3,
Big Bazaar Street Coimbatore 641 001
3. S. Vijay,
S/o.V.Shanmugam
R-3 is impleaded as per order Dt.7.10.2015
by M.M.S. J. in MP.2/2015 in WP.18858/2015.
...Respondents in W.P.No.18858 of 2015

Prayer in W.P.No.25837 of 2013: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus calling for the records of the respondent with reference to his order dated 30.8.2013 quash the same and direct the respondent to issue letter of Intent (LOI) to the petitioner herein.

Prayer in W.P.No.18858 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to confirm the retail outlet to the petitioners name by conducting the formal

interview as per the letter dt 28.12.2012.

For Petitioner : Mr.I.Abrar Mohamed Abdullah
in W.P.No.25837 of 2013

For Petitioner
in W.P.No.18858 of 2015: Mr.N.Manokaran

For Respondent-1
in W.P.No.25837 of 2013

For R2 : NA

For Respondents-1 & 2
in W.P.No.18858 of 2015 : Mr.O.R.Santhana Krishnan

For R3 in WP. 18858/15 : NA

COMMON ORDER

These writ petitions are heard through Videoconferencing, on account of the COVID-19 pandemic situation.

2. W.P.No.25837 of 2013 is directed against the order dated 30.08.2013 passed by the first respondent, rejecting the request of the petitioner.

3. The first respondent-Corporation issued an advertisement on 01.11.2010, calling for applications for award of retail outlet dealership. Pursuant to the said advertisement, the petitioner herein and also the petitioner in W.P.No.18858 of 2015 had participated in the same. The petitioner in W.P.No.25837 of 2013 was selected as first candidate and the petitioner in the other Writ Petition in W.P.No.18858 of 2015 was the second candidate, having qualified for the dealership. However, pursuant to the interview and award of marks, the petitioner in W.P.No.25837 of 2013 was not given a letter of Intent by the first respondent-Corporation. The reason was that there was a communication from the second rank holder, Dayalan regarding the dealer selection. It was alleged that the first rank holder's land lease was not in compliance with the National Highways Authority of India norms and therefore, the selection of the petitioner in W.P.No.25837 of 2013 was cancelled.

4. On receipt of the said cancellation letter on 28.12.2012, the petitioner had made a representation dated 14.01.2013 to the Corporation, which was rejected by the first respondent on 30.08.2013, against which, the above Writ Petition in W.P.No.25837 of 2015 has been filed.

5. The other Writ Petition in W.P.No.18858 of 2015 is filed by the second rank holder seeking a mandamus to confirm

the retail outlet in his favour by conducting a formal interview, as per the letter dated 28.12.2012.

6. The learned counsel appearing for the respondent-Corporation drew the attention of this Court to the guidelines for selection of Retail Outlet (RO), dealership/LPG distributorship in proceedings No.R-30024/33/2012-MC dated 23.06.2014 issued by the Under Secretary to the Government of India, which is as follows:-

" I am directed to say that the matter regarding the process of allotment of Retail Outlet (RO) dealership / LPG distributorship has been examined in the Ministry. OMCs are directed to cancel all cases of ROs/LPG distributorship allotments in the cases where interviews (including original or re-scheduled or arising out of established complaints) are pending as on date of issue of this letter. OMCs are advised that all such locations may be taken up afresh as per extant policy under new system of "draw of lots" by undertaking fresh process of selection."

7. As the Ministry of Petroleum and Natural Gas has specifically given a direction and advised that in view of the compliance pending, the Corporation is advised not to proceed with the allotment of distributorship and advised them to follow the new system of "draw of lots".

8. In view of the above communication, the respondent-Corporation is unable to award any contract, either in favour of the petitioner in W.P.No.18858 of 2015 or the petitioner in W.P.No.25837 of 2013. Hence, the Writ Petitions have become infructuous.

9. Accordingly, both the Writ Petitions are dismissed as having infructuous. No costs. However, as and when the Corporation issues advertisement, calling for application for the award of dealership / LPG Distributorship, it is open to both the petitioners to apply and get the dealership, if otherwise, everything is in order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

asr/srn

To

1. The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Coimbatore Regional Office,
18/3, Big Bazaar Street, Coimbatore-641 001
2. The General Manager
Hindustan Petroleum Corporation Ltd. South Zone,
Chennai
3. The Senior Regional Manager
Hindustan Petroleum Corporation Ltd.
Coimbatore Regional Office No.18/3,
Big Bazaar Street Coimbatore 641 001

+1cc to Mr.N.Manoharan, Advocate, S.R.No. 32090

W.P.No.25837 of 2013
& W.P.No.18858 of 2015

PP (CO)
GN (09/02/2021)



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