

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.59 of 2020

In

Civil Writ Jurisdiction Case No.23320 of 2019

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Kavita Kumari, wife of Manoj Prasad Singh, resident of Village and Post-Gopalbad, P.S.- Sarmera, Distt- Nalanda.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Petroleum Ministry, New Delhi.
2. The General Manager, Indian Oil Corporation Regd. Office G-9 Ali Yavar Jung Marg Bandra East Mumbai.
3. The Chief Divisional Retail Sales Manager, Patna Divisional Office Marketing Division Block- A Maurya Lok Complex third floor, Dak Bunglow Road, Patna.
4. The General Manager (Retail Sales), Patna Indian Oil Corporation, Maurya Lok Complex third floor, Dak Bunglow Road, Patna.

... Respondents ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Amaresh Kumar, Advocate, Ms. Nilima Kumari, Advocate, Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Dr. K.N. Singh (ASG) Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 22-07-2021

Heard learned counsel for the parties.

Aggrieved by the judgment and order dated 26.11.2019

passed in C.W.J.C. No.23320 of 2019 passed by learned Single

Judge of this Court, the appellant has preferred this appeal.

Appellant had filed writ petition for setting aside the letters dated 6.9.2019 and 9.9.2019 issued by Chief Divisional Retail Sales Manager, Patna Division Office by which retail

outlet of location under S.R.M.P. 2014-15 (Bihta - Sarmera Road) under OBC category District, Nalanda was cancelled.

Advertisement was issued on 26.10.2014 for opening of retail outlet at different locations of Bihar including 109 Bihta Sarmera Road and appellant applied in prescribed performa on 25.11.2014 for dealership of said retail outlet. Initially, Anil Kumar was offered dealership for said location and for verification of land proposed for opening of retail outlet NOC was called from DM, Nalanda, however, by letter dated 27.06.2017, NOC was denied by the District Magistrate, Nalanda and, thereafter, appellant was offered dealership by letter dated 22.11.2017 but subsequently, she was informed that said location for opening of retail outlet has been cancelled on the basis of report submitted by the Land Evaluation Committee after approval of competent authority and since cancellation of location is based on technical ground and there was no fault of appellant as such, application fee of Rs.1,000/- was refunded to the appellant.

In terms of advertisement, Corporation had exclusive right to cancel the location for opening of retail outlet without assigning any reasons as such, appellant cannot claim dealership of retail outlet as a right.

This court does not find any error or infirmity in the judgment and order passed by learned Single Judge requiring any interference by this Court.

This L.P.A. is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/- Veena

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA