

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.355 of 2019

In
Civil Writ Jurisdiction Case No.13844 of 2013

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Rakesh Singh S/o Vijay Singh @ Ranvijay Singh Resident of Village- Barun,
P.S.- Suryapura, District- Rohtas

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi 110001.
2. The Additional Secretary Marketing, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi 110001.
3. The Executive Director, Indian Oil Corporation Ltd., 6/9 Ali Yavar Yung Marg, Bandra East, Mumbai 400051 India.
4. The Chairman-cum-Managing Director, Indian Oil Corporation Ltd. 6/9 Ali Yavar Yung Marg, Bandra East, Mumbai 400051 India.
5. The General Manager, Indian Oil Corporation Ltd. Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Frazer Road, Patna 800001.
6. The Dy. General Manager (LPG) Indian Oil Corporation Ltd. Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Frazer Road, Patna 800001.
7. The Chief Area Manager LPG, IOCL, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Frazer Road, Patna 800001.
8. The Sr. Area Manager, IOCL, First Floor, Shahi Bhawan, Exhibition Road, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Deepika Sharma, Advocate



Ms. Aditi Hansaria, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, Advocate
Mr. Amlesh Kumar Varma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-02-2021

The instant Letters Patent Appeal has been filed against the judgment dated 05.02.2019 passed by a learned Single Judge of this Court in **C.W.J.C. No. 13844 of 2013**, titled as **Rakesh Singh Vs. The Union of India and Ors.**

It is not in dispute that on the date of issuance of the advertisement i.e. 28th of February, 2011, petitioner was not fulfilling the eligibility criteria. Certificate of income on which appellant sought reliance is dated 29th of November, 2011, undisputedly much after the submission of the application.

As such, we do not find any infirmity with the impugned judgment dated 05.02.2019 passed in **C.W.J.C. No. 13844 of 2013** rejecting the appellant's claim.

That apart, learned counsel for the State states that there is change in the policy that all advertisements issued stand cancelled vide communication dated 14th of January, 2016, issued by the Deputy Secretary, Government of India. The said communication reads as under:



P-19011/7/2011-ROG(PJ-1)/LPG
Government of India
Ministry of Petroleum & Natural Gas

To
The Director (Mkt)
IOC/IDCL/HPCB
Mumbai

Shashi Bhatnagar, New Delhi
14/02/2021

Subject: Cancellation of advertisement and increase in retail ceiling of RGGLV

Sir,
I am directed to convey the approval of the Competent Authority for this following in respect of RGGLVs:

1) Cancellation of advertisement of all locations of RGGLVs where draw and re-draw is required/ yet to be conducted, except for the advertised locations which are under litigation.

2. Following decisions are reiterated in respect of RGGLVs:

a) All existing RGGLV distributorships with monthly retail sale of more than 1500 will be treated as Gramin Vikak in accordance with Unified Guidelines for Selection of LPG Distributorships 2016 and with mandatory home delivery facility.

b) All existing RGGLV distributorships with monthly retail sale of less than 1500 will be treated as Durgam Kshetriya Vikak in accordance with Unified Guidelines for Selection of LPG Distributorships 2016 and without mandatory home delivery facility. However, as and when the monthly retail sale exceeds more than 1500, they will be treated as Gramin Vikak in accordance with Unified Guidelines for Selection of LPG distributorships 2016 and with mandatory home delivery facility.

c) Unified Guidelines for Selection of LPG Distributorships 2016 subsumes the existing distributorship selection guidelines under RGGLV.

3. Fresh feasibility study will be conducted for the cancelled locations as per the recently notified Unified Guidelines for Selection of LPG Distributorships 2016.

Yours faithfully,
(K.M. Mahesh)
Deputy Secretary to the Government of India
Tel. No. 011-23887201
Email: mahesh.phd@nic.in

First issued 14/02/2021

In view of the above, the present Letters Patent Appeal, devoid of any merit, stands dismissed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/P.K.P

AFR/NAFR	
CAV DATE	
Uploading Date	12.02.2021
Transmission Date	

