

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2192 of 2021

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Sunita Yadav, D/o Late Baijnath, resident of Village-Upadhyay Chhapar,
Ward No.12, Post Office-Mairwa, Police Station-Mairwan, District-Siwan.

... .. Petitioner/s

Versus

1. M/s Indian Oil Corporation Limited, through its Managing Director, Indian Oil Bhawan, A-11 Yavar Jung Marg, Bandra (East), Mumbai.
2. The Executive Director, M/s Indian Oil Corporation Limited, Lok Nayak Bhawan, 5th Floor, Dak Bunglow Road, Patna-800001.
3. The Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited, Krishna Complex, Akharaghat Road, Muzaffarpur.
4. Mukesh Yadav, Son of Late Krishna Yadav, resident of Village-Chilmath, P.S.-Nautan, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Uday Bhan Singh, Advocate
For Respondent-IOCL : Mr.Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 30-11-2021

Heard learned counsel for the parties.

2. The petitioner is seeking quashing of a letter dated 07.07.2020, issued under the signature of the Chief Divisional Retail Sales Manager, Indian Oil Corporation, Muzaffarpur (Respondent No.3), whereby her request for rectification of discrepancy in the date of Appendix III A and III B of her application for grant of outlet dealership has been rejected and the



land offered by her has been treated to be falling under Group 3, for the purpose of consideration of her application.

3. Certain fundamental facts, essential for adjudication of the present case are not in dispute. As per the advertisement, 19.12.2018 was the last date fixed for submission of application for grant of dealership. The petitioner had submitted her application on 18.12.2018. The petitioner claimed ownership of the land requisite for grant of dealership. The application format has been brought on record by way of Annexure 1 to the writ application.

4. A Note under Clause 13 of the application mandatorily required availability of notarized affidavit as per Appendix III A at the time of making of application in case land belonged to member of Family/Others, to be submitted, when asked by the Corporation.

5. Further, a letter from an Advocate in the Form at Appendix III B giving details of the current ownership, documents relied upon and the category of the land offered (Group 1 or Group 2) was also required to be available with the applicant before submission of the application.

6. Subsequent to the petitioner's selection, she was asked to furnish documents, including those required under the



Note, mentioned above. The petitioner submitted a letter issued by an Advocate on 23.12.2018 in Appendix III B.

7. The Head of the Divisional Office, Indian Oil Corporation, through letter dated 10.01.2020, intimated the petitioner that the documents submitted by her were not valid for considering the offered land under Group 1 as filled in Appendix III B was of a date later than the date of her application.

8. It appears that subsequently the petitioner made an application seeking rectification in the date of letter issued by the Advocate by substituting 23.12.2018 in place of 18.12.2018, which has been rejected by the impugned communication dated 07.07.2020, mentioning therein that the defects in Appendix III A and Appendix III B fell in the category of non-rectifiable deficiencies as per the prevailing dealership guidelines. Accordingly, it was decided to consider the petitioner's offered land under Group 3.

9. Learned counsel appearing on behalf of the petitioner has submitted that it was only because of oversight that the learned Advocate put 23.12.2018 as the date of issuance of the letter in place of 18.12.2018. He has submitted that for such minor and insignificant error, the respondents should not have placed the petitioner's offered land in Group 3 in place of Group 1.



10. We have perused the pleadings and other materials brought on record and have given an anxious consideration to the rival submissions made on behalf of the parties. On perusal of the application form, which contains, *inter alia*, the requirements for submitting application, there is no scope of any doubt that an applicant was required to possess all the requisite documents as on the date of application (in the present case 18.12.2018), as mentioned in the Note under Clause 13 of the application. The petitioner was admittedly not in possession of the said document as on the date of application for her to claim grant of dealership treating the land offered by her of Group I. We refuse to accept the petitioner's contention that she was possessing on the date of application a post-dated letter issued by the learned Advocate.

11. It is significant to note here that a declaration was made by the petitioner at the time of making of the application on 18.12.2018, which is present at page 28 of the writ application to the following effect:-

Declaration

I, **SUNITA YADAV** wife of Shri **LT BAIJ NATH YADAV** hereby confirm that the information given above is true and correct. Any wrong information/misrepresentation/suppression of facts will make me ineligible for this RO dealership. That if any information/declaration



given by me in my application or in any document submitted by me in support of application for the award of the RO dealership shall be found to be untrue or incorrect or false, the **Indian Oil Corporation Ltd.** would be within its rights to withdraw the letter of intent/terminate the dealership (if already appointed) and that I would have no claim whatsoever against the Corporation for such withdrawal/termination."

Apparently, her claim that she was in possession of the document as on the date of the application was incorrect/untrue.

12. In such view of the matter, we do not find any illegality in the decision of the respondent-Corporation in refusing the petitioner's offer of land under Group 1 to be considered for grant of dealership.

13. We do not find any merit in the writ application, which is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

PNM

(Madhuresh Prasad, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

