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WPA 7257 of 2019

In re : Vipul Anand Singh ... petitioner

Mr. Debabrata Saha Roy
Mr. Pngal Bhattacharyya
Mr. Subhankar Das

.....for the petitioner

Mr. Amit Kr. Nag
Ms. H Nasif

.....for the IOCL

The grievance of the petitioner is directed against a communication dated 5th February 2019 issued by the respondent no. 5. By the impugned communication, the petitioner was informed that his candidature for a retail outlet dealership, on the left hand side from Nandkumar to Nimtouri on NH 41, Purba Midnapur has been cancelled and the security deposit furnished by the petitioner had been forfeited by the impugned communication. It further appears from the impugned communication that only ground for rejecting the application of the petitioner was that the prescribed documents to be furnished by the petitioner had not been furnished within the stipulated time period.

It is submitted on behalf of the petitioner that there was a delay of only one day in the submission of the documents and that too was caused on the ground that the petitioner 's nephew who is two years old was suffering from birdflue and was

admitted in the nursing home. This appears to be the only ground for non-consideration of the application of the petitioner.

The respondent authorities submit that in view of the Guidelines which bind the petitioner, the respondent authorities have no option but to reject the application of the petitioner.

I have considered the submissions made on their behalf.

I find that the petition was filed in 2019 and the petitioner had been enjoying an interim order since 8th April 2019. I am fully mindful of the fact that the subject matter of the dispute between the parties pertains to a retail outlet dealership of a petrol pump. I am of the view that there is an element of public interest involved in the said distributorship being made operational as expeditiously as possible. The ground alleged on behalf of the petitioner for not having been able to submit the prescribed documents is that the petitioner's nephew was admitted in a hospital and the petitioner was unable to submit the documents within the stipulated time period. It appears that the nephew of the petitioner was ultimately discharged on 6th February 2019. The documents had been submitted by the petitioner on 5th February 2019.

In view of the peculiar facts and circumstances of the case and keeping in mind the fact that the petitioner has been enjoying an interim order since 8th April 2019 which has

resulted in a stalemate in the opening of a distributorship which affects the public at large, I direct the respondent authorities consider the application of the petitioner in accordance with law.

In considering such application the respondent authorities will not give any weightage to the fact that the petitioner had been unable to furnish the necessary documents within the stipulated time period. However, nothing in this order will influence the respondent authorities on the merits of the application of the petitioner save and except the ground of not furnishing the documents within the stipulated time period.

The aforesaid exercise is to be completed by the respondent authorities within a period of eight weeks from the date of communication of this order and after giving a right of hearing, if necessary to the petitioner and any other affected parties.

To the aforesaid extent, WPA 7257 of 2019 is allowed.

This order is passed in the peculiar facts and circumstance of the case and is not to be treated as a precedent.

Consequently, the impugned communication dated 5th February 2019 is set aside and the respondent authorities are directed to act as aforementioned.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Ravi Krishan Kapur, J.)