

17.12.2021
SL No. 245
Court No. 24
(P.M)

WPA 9507 of 2020

**Sangita Gope
Vs
Union of India & Ors.
(Via Video Conference)**

Mr. Kashiwar Ghosal
... for the petitioner

Ms. Vineeta Meharia,
Mr. Amit Meharia,
Ms. Urmila Chakraborty,
Ms. Paramita Banerjee,
Ms. Subika Paul
... for respondent No. 2 to 6

Mr. S.K. Tiwari
... for respondent No. 1

Pursuant to an advertisement published by the Indian Oil Corporation Limited on 25th November, 2018 for grant of retail outlet dealership the petitioner applied for the same on 24th December, 2018. The application for the petitioner stood rejected on the ground that 33 KVA high-tension line crossed the offered land.

The petitioner submits that West Bengal State Electricity Distribution Company Limited shifted the high-tension line over the land of the petitioner on 28th June, 2020.

The petitioner prays for a direction upon the respondent authorities to consider his land for grant of retail outlet dealership.

The learned advocate representing the Indian Oil Corporation Limited opposes the prayer of the petitioner. It has been submitted that on the date of the advertisement i.e. in November, 2018 the high-tension line was running over the land of the petitioner. The position was the same in December, 2018 when the petitioner applied for getting the retail outlet dealership. Even on 25th November, 2019 when the land evaluation committee inspected the site then also the high-tension line was there across the land offered by the petitioner.

It was only after the application of the petitioner stood rejected the petitioner has intimated the respondent authorities about shifting of the aforesaid high-tension line.

It has further been submitted that at this stage there is no scope to reconsider the application of the petitioner as that would amount to change in the terms and conditions of the advertisement.

Upon hearing the submissions made on behalf of the parties and upon perusal of the records it appears that the land offered by the petitioner was not free from encumbrance. High-tension line of 33 KVA

was running over the land of the petitioner. The land offered by the petitioner was not suitable for grant of retail outlet dealership. On the date the land evaluation committee visited the site, the high-tension line was still there and accordingly the respondent authorities rejected the prayer of the petitioner.

The petitioner refers to a document to show that he communicated to the respondent authorities about the shifting of the high-tension line.

It appears that the said communication was made after the application of the petitioner stood rejected. There is nothing on record to show that such communication was made prior to the land evaluation committee inspecting the site or prior to a decision being taken by the respondent authority for the purpose of consideration of the application of the petitioner.

It has been submitted that the vacancy which was declared has already been filled by an eligible candidate and right now there is no scope for reconsideration of the application of the petitioner.

As the petitioner failed to satisfy the terms and conditions as mentioned in the initial advertisement accordingly no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)