

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4860 of 2021**

Atul Kesharwani S/o Dilip Kesharwani Aged About 28 Years R/o Qt. No. 116,
Gandhi Marg-2, Sarangarh, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. Indian Oil Corporation Limited Through Its Chairman, Registered Office, Indian Oil Building, G-9, All Yavar Jung Marg, Bandra (East) Mumbai 400051
2. Indian Oil Corporation Limited Through Its Head Of Divisional Office, Indian Oil Building Vip Road, Post Ravigram Telibandha, Raipur District Raipur Chhattisgarh 492006

----Respondents

For Petitioner	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondents	:	Mr. Avinash N. Mishra, Advocate with Mr. Anand Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/12/2021**

1. Aggrieved by the order Annexure P/1 dated 20.01.2020 the present writ petition has been filed.
2. Vide the impugned order the respondents have ordered for cancellation of the advertisement for selection of dealership at Sarangarh up to 4 KMs on Jashpur marg. The impugned order is an intimation in respect of the cancellation of advertisement by the respondents to the petitioner, who had been found selected for awarding of the said retail outlet.
3. The contention of the petitioner is that the advertisement has been cancelled for a very minor technical issue, which would not have

affected the merits of the selection process and therefore this Court should come to the rescue of the petitioner. According to the petitioner, he has participated in the selection process and on being selected have deposited the required security deposits also. It is only thereafter at the fag end of the proceeding, awarding of the retail outlet to the petitioner the impugned order Annexure P/1 has been passed intimating the petitioner in respect of the cancellation of the advertisement as the address of the location was wrongly mentioned in the advertisement.

4. Learned counsel for the respondents submits that the need for cancellation arose on account of the address of the location itself being wrongly mentioned in the advertisement and the Tehsil of the location was incorrectly mentioned and thereby when the authorities came to know about the error, they thought of canceling the advertisement and for going in for a fresh advertisement, so that proper advertisement could be issued in respect of the proper address of the location, so that there can be a fair and reasonable participation of all interested candidates.
5. Having heard the contentions put forth on either side and on perusal of record, this Court is of the prima-facie opinion that the petition has been filed at a much belated stage for the reason that Annexure P/1 is an order which was passed on 20.01.2020. The present writ petition has been filed practically after almost 23 months i.e. on 23.11.2021. No reasonable explanation except for taking the ground of pandemic situation for not approaching the Court within the stipulated time. This Court does not find the said to be a justified and plausible explanation

for not timely approaching the Court and as such considerable time have lapsed in between has been passed. It would not be proper and justified for this Court now to entertain the writ petition to test the veracity of the impugned order Annexure P/1. This Court also is not inclined to entertain the writ petition on the ground that the reason assigned for canceling the advertisement also seems to be proper, legal and justified. The site is necessary to be advertised in the advertisement and it should be clearly reflected, so far as the location where the Corporation intends to have the outlet.

6. If for any reason, the address of the location is not properly reflected in the advertisement, there is all possibility that sufficient participation in the selection process must not have got as many would be under the confusion in respect of the site location and the address of the location. There could be a possibility where in case proper address would had been reflected in the advertisement, so far as the location is concerned, there would have been more participation by other eligible candidates as well. This error was detected by the respondents-Corporation before executing the dealership agreement with the petitioner and as such it cannot be said that the act on the part of the respondents is either malafide or unjustified.
7. Moreover, since it is only cancellation of the advertisement, there is all likelihood that the respondents-Corporation is going for a fresh advertisement, where the petitioner can still have the opportunity of participating in the selection process and as such the right of the petitioner would not get adversely affected. No prejudice also would be caused to the petitioner.

8. For all the aforesaid reasons, this Court does not find any strong case made out by the petitioner calling for any interference with the impugned order. The writ petition this being devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved