



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM:

The Hon'ble Mr. Justice Krishnan Ramasamy

W.P.No.21528 of 2018

and

W.M.P.Nos.25280 to 25282 of 2018

Miss.Mane Vijy Pourouchottamane

...Petitioner

Vs.

Bharat Petroleum Corporation Ltd.
Rep. by its Territory Manager (L.P.G.)
MGM T.B.Sanitorium Post,
Sengipatti,
Thanjavur 613 402.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the respondent's proceeding in TNJ:LPG:GV (SIRUVADI) dated 08.08.2018 and consequential Dinamalar paper advertisement dated 18.08.2018 for redraw of lot to award LPG Distributorship in SIRUVADI Village, Villupuram District is concern and quash the same and direct the respondent to award the LPG Distributorship to the petitioner in SIRUVADI Village, Villupuram District.

For Petitioner : M/S.M.Muthappan

For Respondent : Mr.M.Vijayan
for M/S.King and Partridge



ORDER

This Writ Petition has been filed challenging the impugned order passed by the respondent dated 08.08.2018, against the petitioner rejecting the candidature of the petitioner for the Distributorship of LPG in SIRUVADI Village, Villupuram District.

2. According to the petitioner, the petitioner was not able to produce the registered lease deed in respect of the show room as well as godown which led to the rejection of the petitioner's candidature for allotment of the Distributorship of LPG.

3. When this matter came up for consideration on last occasion, the learned counsel for the respondent/Bharat Petroleum Corporation Ltd., would submit that he will find out whether the Distributorship has been allotted to somebody else or it is still pending to be allotted.

3.1. Mr.M.Vijayan, learned counsel for the respondent/Bharat Petroleum Corporation Ltd., submits that no interim order was passed by this Court in the Writ Petition, thus, the distributorship was allotted to third party, and therefore, the prayer sought for in this writ petition has become infructuous.

4. In reply, the learned counsel for the petitioner submits that in such case, at the time of award of LPG Distributorship, the petitioner paid a sum of Rs.40,000/- by way of deposit and now, the learned counsel seeks a direction to the respondents to return the said amount to the petitioner.

5. In reply, the learned counsel for the respondent/Bharat Petroleum Corporation Ltd., submits that a sum of Rs.40,000/- has been deposited only for the purpose of field verification and not for any other purpose and later the field verification was also conducted wherein, it was found that the petitioner had not produced lease deed for showroom as well as godown.

6. In the present case, the petitioner was successfully selected for LPG Distributorship and thereafter the petitioner has directed to pay a sum of Rs.40,000/- for field verification and directed to produce original document. However, the petitioner was not able to produce the original document.

7. A perusal of the document shows that it is clear that Rs.40,000/- was paid only for the purpose of field verification. In the present case, it is admitted by both the parties, the respondent/Bharat Petroleum Corporation Ltd., has completed the field verification. But the petitioner has failed to produce the original lease deeds within the stipulated time fixed by the respondent/Bharat Petroleum Corporation Ltd.



8. Therefore, this Court is of the view, the petitioner is not entitled to the refund of the amount paid towards field verification as per the terms of the tender notification. Hence, this Writ Petition is liable to be dismissed and accordingly dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

The Territory Manager (L.P.G.)
Bharat Petroleum Corporation Ltd.
MGM T.B.Sanitorium Post,
Sengipatti,
Thanjavur - 613 402.

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GSM (CO)

PR (30/12/2021)