

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4817 of 2020

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Sunita Kumari W/o Late Pramod Kumar, C/o Nitin Kumar, resident of
Mohalla-Ram Nagar, Mali Galli, Land Mark-Opposite State Bank, P.O.
Navada, District-Navada, Bihar.

... .. Petitioner/s

Versus

1. The Chief Regional Manager (T and M Retail) Bharat Petroleum Corporation Ltd., Post-Pakdi, Via-Anisabad, Patna-800002, Bihar.
2. Manish Garg, Head of Territory Office, T.M. Retail, Bharat Petroleum Corporation Ltd., Post-Patna TOP, Pakdi Via-Anisabad, Patna-800002, Bihar, Phone-7070892820.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 19-01-2022

Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s):-



- (i) For quashing/ set aside of the letter / Reference no. 15457575008073/ dated 16.01.2020/ Manish Garg/ Head of Territory Office/ Bharat Petroleum Corporation Ltd./ Patna 800002 (Annexure-1 and 2) vide which the Respondents refused to accept the letter written by the petitioner (with Reference no. 15457575008073/ dated 07.01.2020 Annexure-7) with a request to offer change of new alternative land sits before issuance of letter of intent (LOI) for the awarded under category SC group 1 of retail outlet/ dealership from Sadbhavna Chowk to Gyan Bharti School at SH 8, district Nawada as the above said letter Annexure-1 & 2 being malicious, arbitrary, discriminatory and contrary to the rules of Dealership Guidelines (DSG-2018) and against the principles of natural justice.
- (ii) For quashing/ set aside of the letter written by the Respondents dated 16.01.2020 vide which the Respondents referred to accept the offer of change of alternate land site for retail outlet as per D.S.G. 2018 made by the petitioner.
- (iii) For the direction to issue letter of intent (LOI) to the petitioner after land evaluation of the alternate land site for Retail outlet/ Dealership on the alternate land as offered by the petitioner dated 07.01.2020 under concerned provisions of law as per D.S.G. 2018 and not to put award of the retail out under category Group 3 as petitioner has been selected in Group-A after 5th February 2020, as stated in vide Annex-1 & 2.



3. It is the petitioner's grievance that despite the petitioner having suggested an alternate land for allotment of the petrol pump, the respondents have refused to accept his communication dated 07.01.2020 (Annexure-7, Page No. 98).

4. We find that there is an option under the "Brochure Selection of Dealers for Regular & Rural Retail Outlets" (Annexure-6 Page No. 22), entitling the petitioner to take recourse to such procedure (Clause-6). We also notice that the very same document contains a dispute redressal mechanism in relation to the process, subject matter of the present lis (Clause-18, Page No. 48).

5. At this stage, learned counsel for the applicant states that petitioner be permitted to take recourse to the said clause, but, however, prays that the respondents should decide the petitioner's request at the earliest.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of two weeks from today by filing a representation in terms of Clause (18) of the "Brochure Selection of Dealers for Regular & Rural Retail Outlets" for redressal of the grievance(s);



(b) The appropriate authority shall positively consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of 30 days, as is so stipulated in the scheme;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All



issues are left open;

(j) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

8. Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	20.01.2022
Transmission Date	

