

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7504 of 2019

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Avinash Kumar Son of Chandan Das Resident of At- Meenapur, P.O. Hajipur,
P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

1. M/s Bharat Petroleum Corporation Ltd. Thought its Chairman and Managing Director, having its Registered Office at Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard Estate, P.B. No. 688, Mumbai- 400001.
2. The Regional Manager Bharat Petroleum Corporation Ltd., Q.C.C. East Kolkata.
3. The Area Manager Bharat Petroleum Corporation Ltd. P.O- Pakri, Via- Anisabad, Patna.
4. The Territory Manager Bharat Petroleum Corporation Limited. Muzaffarpur POL Depot, Village- Sherpur, NH- 28, Near Narayanpur Anant Railway Station, P.O- MIC Bela, Dist.- Muzaffarpur- 842005

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Neeraj Kumar Gupta, Advocate
For the Respondent/s	:	Mr.Siddhartha Prasad, Advocate
		Mr. Om Prakash Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

(i) For issuance of an appropriate writ preferably in the nature of certiorari setting aside the order contained in letter bearing ref no - 15454542903084 Dated 05.02.2019 sent by e-mail on 05.02.2019 where by and where under the candidature of the petitioner for award of Retail Outlet Dealership for location " On all arterial roads within municipal limit of Hazipur Town" has been cancelled illegally and arbitrarily by respondent no. 4

(ii) For issuance of an appropriate writ preferable in the nature of mandamus commanding the respondents to accept the 10% of security deposit (Initial Security Deposit - ISD) and the relevant documents for conducting land evaluation and Field Verification of credentials, pursuant

to the selection of the petitioner for the advertised Retail Outlet location “ On all arterial roads withing municipal limit of Hazipur Town” as intimidated vide letter dated 11.01.2019 and reminder dated 23.01.2019 through email which could not be acknowledged by the petitioner as he was unfortunately hospitalized due to viral Jaundice and Hepatitis A.

(iii) For issuance of an appropriate writ/order/direction in the nature of mandamus commanding and restraining the respondent authorities from taking any further adverse action pursuant to ‘cancellation of the candidature of the petitioner’ for the reason that there was no acknowledgement of the Letter of intimation dated 11.01.2019 and reminder dated 23.01.2019 sent by the respondent authorities by way of Electronic Media i.e. email.

(iv) For any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to respondent no. 4, namely, **The Territory Manager Bharat Petroleum Corporation Limited. Muzaffarpur POL Depot, Village- Sherpur, NH-28, Near Narayanpur Anant Railway Station, P.O- MIC Bela, Dist.- Muzaffarpur- 842005** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

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

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

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

(f) 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;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/Ishika

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA