

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11042 of 2022

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M/s Tirupati Balajee Automobiles at Bihar, Patna through its Proprietor Ritesh Kumar, aged about 38 years, Male, son of Sri Sachidanand Rai, IAS Colony, Near Krishna Niketan School, West Boring Canal Road, Patna- 801503

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited through its Executive Director (Retail Sales) G-9 Aligavar Jang Margh, Bandra (East) Mumbai, Maharashtra.
2. The General Manager, Indian Oil Corporation Limited, Bihar State Office, 5th Floor Loknayak Jayprakash Bhawan, Dakbungla Crossing, Patna.
3. The General Manager, Indian Oil Corporation Limited, Bihar State Office, 5th Floor Loknayak Jayprakash Bhawan, Dakbungalow Crossing, Patna.
4. The Deputy General Manager, (R.S.) Patna Divisional Office, Block- A, Mauryalok Complex (3rd Floor) Dakbungalow Road
5. The Executive Director, M/s Indian Oil Corporation having state office at Loknayak Jayprakash Bhawan, Dakbungalow
6. The Senior Divisional Retail Sales Manager, Patna Divisional Office, 3rd Floor, A Block, Mauryalok Complex, Dakbanglow Road, Patna.
7. The Manager (Retail Sales) Indian Oil Corporation Limited, Patna Divisional Office, 3rd Floor A Block, Mauryalok Complex, Dakbanglow Road, Patna.
8. The Chief Control Explosive, A Block, 5th Floor, CGO Complex, Seminary Hills, Nagpur- 440006.
9. The Divisional Retail Sales Head Indian Oil Corporation Limited, Patna Divisional Office, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate
For the Respondent/s : Mr.Sanat Kumar Mishra, Advocate

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



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-08-2022

Petitioner has prayed for the following relief(s):

“i.) For issuance of direction to the respondent authorities to honor their own letter as contained in Reference No. PDO/R/21-22/276018 dated 09.06.2021 issued with the signature of Divisional Retail Sales Head, IOCL, Divisional Office, Patna and construct sales building of the Petitioner as per amended lay out Plan, as the petitioner promptly deposited the estimated cost of Rs.14,25,386/- required for construction of sales building as per amended lay out, but the construction of sale building as per amended layout has not been started till date and consequently the outlet of the petitioner has not been re-started causing serious financial loss and prejudice the right and interest of the petitioner.

ii.) For that the petitioner further prays that the respondent authority be directed that after construction of sales Building as per the amended lay out plan, the out let of the petitioner be made functional urgently, as the outlet was already was functional, but same was stopped considering objection of the uncle of the petitioner, but now objected land has already been relieved, No Objection from the Ministry of Commerce and Industry, Petroleum and Explosive Safety Organization (PESU) has already been obtained vide letter no. P/EC/BI/14/2690 (P328213) dated 02nd November, 2021 and construction cost has already been deposited



as directed by the respondents authority.

iii.) For any other relief/reliefs for which the petitioner may be deemed entitled to.”

Shri Sanat Kumar Mishra, learned counsel for the respondent Corporation, states that in view of the change in circumstance, the respondents have now taken a decision of restoring the retail outlet to its original shape and size.

Statement accepted and taken on record.

In this view of the matter, we dispose of the petition in the following mutually agreeable terms:

(a) The respondent No. 2, namely The General Manager, Indian Oil Corporation, Bihar State Office, shall take appropriate action in terms of the statement recorded (supra) within a period of two months from today;

(b) An appropriate decision on the amount deposited by the petitioner in terms of communication dated 09.06.2021 (Annexure-3, page-29) shall also be taken and the amount due and payable to the petitioner shall be utilized for the purpose of restoration of the original site within a period of two months;

(c) Parties shall complete all formalities of making retail outlet fully operational and functional



Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2022
Transmission Date	

