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11.04.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 4103 of 2022

**Dayamoy Ghosh
-versus
Union of India & Ors.**

**Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray.
...For the Petitioner.**

**Mr. Biswanath Chatterjee,
Mr. Sobhan Kumar Pathak.
...For the Respondent
Nos. 2 & 3.**

Affidavit-of-service filed in Court today is taken on record.

In response to an advertisement published by the Hindustan Petroleum Corporation Limited in the daily newspaper on 25th November, 2018, the petitioner applied for the location within 10 km from Heavyr More towards Raniganj on NH 60 in the open category. The type of the retail outlet was regular.

The application of the petitioner was accepted and the petitioner was declared to be a successful candidate for selection of the retail outlet dealership.

The Land Evaluation Committee evaluated the land of the petitioner and thereafter intimated the petitioner by a communication dated 19th August, 2021 that as the land offered by him did not meet the required norms, accordingly, his candidature was found

to be ineligible. However, it was mentioned that the petitioner will be considered for selection along with Group 3 applicants as per guidelines.

The petitioner made a representation on 5th October, 2021 before the Regional Head of the Corporation for reconsideration of the land already offered by him.

The Hindustan Petroleum Corporation Limited by a further communication dated 24th November, 2021 mentions that as the petitioner did not offer any land as per the norms of the Company for development of the subject Retail Outlet accordingly the Company decided to give one more opportunity, on one time basis, to the petitioner in respect of such locations where no response has been received from any applicant to offer land through the online portal.

Learned advocate appearing for the Hindustan Petroleum Corporation Limited submits that the retail outlet dealership will be considered in the regular/rural mode as there is less than 20,000 population in the said locality. The number of the members in the said locality is available in the portal that is maintained by the State of West Bengal.

The said contention of the respondent Company has been denied and disputed by the learned advocate appearing for the petitioner.

Learned advocate appearing for the petitioner submits as the land already offered by the petitioner meets the criteria as mentioned in the advertisement, accordingly, the petitioner is not interested to offer any other alternate land.

A representation has been made by the learned advocate for the petitioner for allotment of the retail outlet dealership in the land already offered by the petitioner. The said representation is pending consideration till date.

A certificate dated 3rd March, 2022 issued by the Pradhan of the Gram Panchayat has been annexed to the writ petition to indicate that there are more than 20,000 people in the said locality.

Be that as it may, since it appears that the petitioner is not interested to offer alternate land in terms of the direction given to the petitioner in the letter dated 19th August, 2021 and the subsequent letter dated 24th November, 2021 and the petitioner has filed representation for reconsideration of his prayer for grant of retail outlet in the land already offered by him accordingly, the writ petition is disposed of by directing the respondent No. 3 to consider the representation filed by the petitioner and his learned advocate on 3rd December, 2021 and 27th January, 2022 respectively, in accordance with law and as per the brochure guiding the field at the earliest, but positively within a period of sixty days from the date of communication of a copy of this order.

The petitioner is directed to forward the documents relating to the land offered by him to the aforesaid respondent for taking a decision in the matter.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)