

29.03.2022
Item No. 11
Crt.No.11
b.r.

MAT 381 of 2022
with
IA No. CAN 1 of 2022

Goutam Maiti
-vs-
Pratima Pal & Ors.

Mr. Meghnad Dutta
Mr. Pritidipto Das
Mr. Abhishek Shaw
..... for the appellant.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu
..... For the Respondent/writ petitioner.

Mr. Bikramaditya Ghosh
Mr. Abhisek Baran Das
..... For the BPCL/Resp. Nos. 2 to 10.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The appellant represented through Mr. Meghnad Dutta, Learned Counsel, challenges the propriety of an interim order granted by the Hon'ble Single Bench in the writ petition and dated the 18th of February, 2022.

The challenge in the writ petition itself is to the construction of a new petrol pump outlet by the Private Respondent, who is the appellant before this Court, in terms of a Letter of Intent (LOI) granted by the Bharat Petroleum Corporation Limited (BPCL).

The writ petitioner, who is the Private Respondent in this appeal, has argued through Mr. Saha Roy, Learned Counsel that the construction of the petrol pump by the Private Respondent in the writ petition is at a place which is not in accordance with the advertisement published by the *BPCL*.

The stand of the Private Respondent in the writ petition/the present appellant and *BPCL* is to the contrary.

The Hon'ble Single Bench therefore directed a report to be filed by the Executive Engineer, Public Works Department (*PWD*), Government of West Bengal limited to the following questions:-

“The report shall mention (1) the distance of the intersection(s) from the advertised locale, (2) the exact location where the construction is being made, (3) whether the construction is being made at the advertised locale or not (from Babalpur to Sulochana on Tamluk Srirampur Road)?”

Although exhaustive arguments have been placed by the parties today, this Court is of the clear view that the Hon'ble Single Bench is entitled to satisfy its conscience on the limited question as to whether the construction of the petrol pump outlet in issue is **at** the location advertised or, not.

In the event, the finding of the Report of the *PWD* is in favour of the Private Respondent in the writ

petition/the present appellant, needless to add, the contracting parties, that is the appellant and *BPCL*, shall be entitled to proceed in terms of their agreement.

This Court, in the light of the following observations, does not detain this appeal and its connected application further.

The Hon'ble Single Bench is requested to hear out the matter on 12th of April, 2022, as already fixed by its order dated 18th February, 2022.

Since Affidavits are not invited, all other allegations to the contrary are hereby denied and disputed.

MAT 381 of 2022 along with its connected application being **CAN 1 of 2022** stand accordingly **disposed of.**

All parties act on a gist of the communication of this order.

All parties to also act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)