BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 09.11.2022

ORDER PRONOUNCED ON : 17.11.2022

CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR
W.P.(MD).No.13743 of 2013
and M.P(MD).Nos.1 & 2 of 2013

S.Prema ....Petitioner

Vs

1.The Senior Area Manager
Indian Oil Corporation Ltd.,
Indane Area Office
No.2, Race Course Road
Chokkikulam, Madurai

2.The Chief Area Manager
Indian Oil Corporation Ltd.,
Indane Area Office
No.2, Race Course Road
Chokkikulam, Madurai

3.R.Ranjith ....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in REF-MAO/765/11 dated 29.02.12 awarding the LPG dealership in favour of the third respondent and the consequential order of the second respondent in REF-MAO/765/12 dated 28.08.2012 and quash the same and consequently direct the respondents 1 and 2 to issue the LPG dealership at Ambasamudram, Tirunelveli District to the petitioner as per Rule 16.2 of the Brochure of the first respondent.

For Petitioner	: Mr.H.Arumugam
For R1 & R2	: Mr.K.Muraleedharan
For R3	: Mr.Isaac Mohanlal Senior Counsel For Mr. S.Xavier Rajini

ORDER

The present writ petition has been filed challenging the letter of intent and letter of acceptance issued to the third respondent for starting an LPG dealership at Ambasamudram, Tirunelveli District. The petitioner has sought for a consequential direction to direct the respondents 1 and 2 to award the said dealership to the writ petitioner.

2.According to the writ petitioner, the Oil Corporation issued a notification for awarding LPG dealership at Ambasamudram in Tirunelveli District. The petitioner attended the interview on 25.11.2011 and produced all the original documents as called for in the application. However to his shock, she found that the third respondent was selected whose name was not even found in the list of interview candidates. The third respondent was shown to have secured 96 marks while the petitioner was shown to have secured 94.83 marks.

3.The petitioner had further contended that some illegality have taken place in awarding marks to the third respondent herein. The petitioner has sent a representation to the respondents 1 and 2 on 04.12.2011. In the said representation, the petitioner has questioned the awarding of 25 marks for godown in favour of the third respondent. The petitioner has also challenged the awarding of 2 marks to the third respondent for experience certificate which cannot be termed as a trade. In the said complaint, the petitioner has requested the respondents 1 and 2 to verify the documents and she had undertaken to substantiate the allegation with all the supportive documents.

4.The petitioner had further submitted that on 17.12.2011, she received a communication from the Head Office of the official respondents to the effect that they have awarded marks properly as to the availability of godown. However, they will verify the said issue at the time of field investigation. The issue raised by the writ petitioner will be specifically checked during the field investigation and any violations, if observed, they will be dealt with on the basis of the applicable policy guidelines. However, there was no response from the official respondents thereafter and her complaint was not closed.

5.The petitioner had further submitted that without conducting an enquiry, or closing the complaint, the official respondents were attempting to allot dealership in favour of the fourth respondent. Hence, the petitioner had filed W.P(MD).No.2718 of 2012 for a mandamus directing the first respondent to consider her complaint dated 04.12.2011 and not to award dealership without considering her complaint. A notice was ordered by the Hon'ble High Court on 06.03.2012. Though the official respondents had appeared through Counsel, they did not file a counter and had suppressed the factum of awarding letter of intent in favour of the third respondent on 29.02.2012.

6.The petitioner had further contended that the third respondent had started dealership and hence, the petitioner had raised queries under RTI Act. The respondents had refused to divulge the information citing pendency of W.P(MD).No.2718 of 2012. Hence, the petitioner was constrained to file W.P(MD).No.16879 of 2012 to direct the first respondent to provide the documents and an order was passed directing the authorities to provide information. The first respondent had filed an appeal in W.P(MD).No.545 of 2013. The first respondent had submitted that the details sought for had already been furnished. The writ appeal was disposed of on 20.06.2013 directing the authorities to furnish the details within a period of two weeks. Only under the said circumstance, the petitioner came to know about the issuance of letter of intent and letter of acceptance. Thereafter, the petitioner sought liberty to withdraw the writ petition with an intention to pursue her remedy by way of filing a fresh writ petition challenging the letter of intent and letter of acceptance granted in favour of the third respondent.

7.According to the petitioner, the narration of the above said facts and sequence of events will clearly establish that the official respondents have not acted in a fair and in a justifiable manner. Without disposal of the complaint lodged by the writ petitioner, the respondents 1 and 2 have proceeded to grant a letter of intent and letter of acceptance in favour of the third respondent. While the complaint lodged by the writ petitioner was pending and in violation of the rules in the brochure, the authorities have proceeded to issue a letter of intent and letter of acceptance. The petitioner had further contended that the respondents have acted with malafide attitude. Hence, he prayed for allowing the writ petition.

8.The learned counsel for the petitioner has made an elaborate submission on the following grounds:

(i). 25 marks have been allotted to the third respondent herein for the alleged ownership of the land with clear title. According to the learned counsel for the petitioner, a final decree has been passed in favour of the third respondent's father in O.S.No.109 of 1999 on 26.04.1999. In the said final decree, the fourth schedule has been allotted to the share of the third respondent's father. Survey No.979/1B having an extent of 82 cents was not subject matter of the suit. However, the said property has been included in the compromise memo and a memo has been recorded where a property was not subject matter of the suit but it got included in the compromise decree, the decree has to be compulsorily registered as contemplated under Section 17(2)(vi) of the Registration Act. Unless the said decree is registered that will not amount to a clear title in favour of the third respondent herein as contemplated under Rule 14 of the brochure.

(ii). The learned counsel for the petitioner had further contended that the father of the third respondent had passed away and the property had devolved upon three legal heirs including the third respondent herein. The petitioner has lodged her complaint on 04.12.2011. Thereafter, the other legal heirs are said to have executed a settlement deed in favour of the third respondent herein. Hence, it is only an after thought, to over come the complaint lodged by the writ petitioner. When the third respondent was not having a clear and a valid title, the respondent authorities ought not to have awarded the marks of 25 to the third respondent herein.

(iii). The learned counsel for the petitioner had further submitted that the third respondent has produced an experience certificate on the ground that he is working as a Director of Sri Balaji Group of Educational Institution at Cheranmahadevi, Tirunelveli District. This certificate was relied upon by the official respondents to grant two marks to the third respondent on the ground that it falls under a trade. According to the learned counsel for the petitioner, the third respondent working as a Director in a group of Educational Institution cannot be considered to be a trade and the official respondents ought not to have a warded two marks to the third respondent based upon the said certificate. That apart, the said certificate has been issued by the mother of the third respondent herein who is running the above said Educational Institution.

(iv).The learned counsel for the petitioner had further contended that as per Rule 14.2 of the brochure, the candidate has to maintain Rs.18/- lakhs and above in the bank account as on date of the application and it should be maintained for a minimum period of 90 days from the date of application or till the interview date whichever earlier. According to the learned counsel, the third respondent has not maintained Rs.18/- lakhs for the said 90 days period and hence, the maximum marks of 18 should not have been awarded to the third respondent.

(v). The learned counsel for the petitioner had further pointed out that a candidate should reside at the place for which distributorship is being granted as contemplated under Rule 7 of the brochure.

(vi). The learned counsel for the petitioner had also drew the attention of this Court to Clause 3.5 of the impugned letter of intent to point out that the official respondents have directed the third respondent to shift his residence to Ambasamudram. Hence, it is clear that the third respondent is not a permanent resident of Ambasamudram and hence, the dealership would not have been awarded to him.

(vii). The learned counsel for the petitioner had further contended that he has lodged a complaint to the official respondents on 04.12.2011. As contemplated under Rule 21 and 22 of the brochure, pending disposal of the said complaint, the letter of intent should be kept in abeyance. On receipt of the complaint, a letter will be sent by the Oil Company to the complainant by registered post directing him to submit details of allegation with a view to prima facie substantiate the allegation along with supporting document, if any, within 30 days. Thereafter, the response of the complainant will be examined by the concerned Oil Company. In the present case, though a reply was addressed by the official respondents on 11.12.2011, the complaint was not closed and they have not taken care to verify the allegation during the field investigation. He had further contended that the official respondents have not sent any letter to the writ petitioner, granting 30 days time to substantiate his allegation. They have not waited for disposal of the complaint and instead they have proceeded to issue a letter of intent in violation of Rule 21 of the brochure.

(viii).The learned counsel for the petitioner had further contended that right from the beginning the official respondents have been functioning with a malafide attitude in order to favour the third respondent herein, even though the third respondent was not having a land with clear title or a proper trade certificate or having a bank balance..

(ix).The learned counsel for the petitioner had relied upon the judgments of the Hon'ble Supreme Court reported in ***(2010) 6 Supreme Court Cases 574*** (Monika Gupta Vs. Union of India and others); ***(2012) 12 Supreme Court Cases 106*** (Sajeesh Babu K. Vs. N.K.Santhosh and others), and ***2016 SCC Online P& H 10710*** (Manoj Kumar Dua Vs. Union of India and others); ***(2008) 13 Supreme Court Cases 102*** (K.Raghunandan and others Vs. Ali Hussain Sabir and others); ***(2018) 12 Supreme Court Cases 85*** (Indian Oil Corporation Limited and others Vs. Shashi Prabha Shukla and another) and a judgement of this Court reported in ***AIR 1946 Madras 534*** (Ittoli Moidin Koya's Son Koyatti and others Vs. Imbichi Koya and others) to support his contention that the LPG dealership should be awarded in a fair and transparent manner and the official respondents have to strictly adhere to the rules found in the brochure. These judgments were relied upon by the learned counsel for the petitioner to impress the Court that an unregistered compromise deed cannot be relied upon for establishing a clear title over the property. Hence, he prayed for allowing the writ petition and to award the LPG dealership to the writ petitioner.

9.The learned counsel appearing for the respondents 1 and 2 had contended as follows:

(i). The third respondent has been allotted 25 marks for suitability of the land for LPG storage godown based upon the final decree in O.S.No.109 of 1999 dated 26.04.1999. Apart from that, the third respondent had also submitted patta in Patta No.301 dated 20.03.2008, 16.07.2010 and 29.11.2011. They are joint patta standing in the name of the third respondent, his mother and his sister. The mother and sister of the third respondent have also executed a registered release deed dated 16.12.2011, by way of abundant caution, in favour of the third respondent herein. Hence, the third respondent was having clear title over the property in which the godown was proposed to be constructed.

(ii). The learned counsel had further contended that the Bank statement of the third respondent was verified and it was found that the third respondent was maintaining more than Rs.18/- lakhs for a period of 90 days from the date of application and hence, the awarding of 18 marks under the said head is legally correct.

(iii).He had further contended that the petitioner had lodged a complaint on 04.12.2011. The said complaint was disposed of by the respondents 1 and 2 by their reply dated 17.12.2011. Even before the reply was sent, the respondents 1 and 2 have verified the land details and they were satisfied about the clear title. Though the petitioner had undertaken to substantiate her claim by filing some documents, she did not come forward to file any document at any later point of time. Even at the time of filing the writ petition or during pendency of the writ petition, the petitioner could not substantiate any of her allegations. Hence, the contention of the writ petitioner that her complaint was not disposed of, is not factually correct.

(iv).The learned counsel had further contended that the complaint was disposed of on 17.12.2011, the letter of intent was issued on 29.02.2012 and the letter of acceptance was issued on 28.08.2012. Hence, there is no violation of any one of the rules in the brochure.

(v).The learned counsel for the respondents 1 and 2 had further contended that the award of LPG dealership is a business, offered by the Indian Oil Corporation. If the Corporation is satisfied with regard to the land holding, financial stability and experience of the candidates, certainly they can award dealership to him. For the past 10 years, the third respondent is functioning as a dealer without any issues.

(vi).The learned counsel for the respondents 1 and 2 had further pointed out that the allegation relating to malafide on the part of the respondents 1 and 2 is completely vague and they are not substantiated by any facts. Originally the application of the third respondent was rejected by an order dated 15.09.2011. Thereafter, he had filed W.P(MD).No.11147 of

2011 challenging the said order. The said writ petition was allowed and the respondents were directed to consider the application of the petitioner and call him for interview, if he is otherwise eligible for being called for interview. This order was passed on 20.10.201. Only after the said order, the third respondent was called for an interview. Hence, it is not correct that the respondents 1 and 2 were biased towards the third respondent and there was malafide in declaring the third respondent as the successful candidate. Hence, he prayed for dismissal of the writ petition.

10.The Contention of the learned Senior Counsel appearing for the third respondent:

(i).The learned Senior Counsel appearing for the third respondent had contended that as per Clause 14.2 of the brochure, 25 marks could be allotted for having clear title. The word 'Clear Title' has been explained as ownership of title means registered sales/gift deed/lease deed (for minimum 15 years lease) or mutation in the name of the applicant/family members of the family unit as defined in the eligibility criteria.

(ii). The learned Senior Counsel had further relied upon Clause -9 of the brochure to contend that the land owned by the family members as defined in eligibility criteria would also be considered as belonging to the applicant. In case the land is owned by the family members, an affidavit for giving consent has to be given by the family members as per the format given in the application form. Therefore, according to the learned Senior Counsel though the petitioner has got clear title to the property, mere mutation of the revenue records in the name of the family members of the third respondent is enough to consider it to be a clear title.

(iii).The learned Senior Counsel had further contended that in the present case, the mutation of revenue records has taken place in the name of the third respondent, his mother and his sister way back in the year 2008. No other rival claim has been made to the property. Those co-owners have also furnished an affidavit of No Objection Certificate along with application form. Hence, the petitioner cannot insist upon a registered title deed in favour of the third respondent so as to confer clear title upon the third respondent. In fact as per brochure, mutation of revenue records in favour of the third respondent or his family members is enough to treat it as a clear title and to award marks under the said head.

(iv). The learned Senior Counsel appearing for the third respondent had further contended that the third respondent being a Director of various Educational Institutions, he is in management of transportation facility, canteen facility, buying and selling of books, uniform and other provisions for the benefit of the students of the Institutions. Hence, various trading activities are being carried out as ancillary to the academic activities of the various Institutions which are under the control of the third respondent herein. Therefore, awarding of 2 marks under any other trade cannot be found fault with.

(v).The learned Senior Counsel had further pointed out that a copy of the Bank passbook of the third respondent, covering the period between the date of application up to 90 days period has already been furnished to the petitioner. A perusal of the said passbook would clearly reveal that the third respondent had maintained more than Rs.18/- lakhs for a clear period of 90 days. Hence, the marks awarded to the third respondent under the said head cannot be found fault with.

(vi).The learned Senior Counsel had further contended that the complaint lodged by the writ petitioner on 04.12.2011 has already been disposed of by an order dated 17.12.2011. There was no further communication from the writ petitioner providing any document to substantiate her allegation. For the past 9 years, during the pendency of the writ petition, no new documents has been placed by the writ petitioner so as to vitiate the marks awarded by the Indian Oil Corporation under various head in favour of the third respondent. Hence, the allegation on the part of the writ petitioner that there is violation of Rule 21 and 22 of the brochure is not legally sustainable. Hence, he prayed for dismissal of the writ petition.

11.I have considered the submissions made on either side and perused the materials available on record.

12.The award of the LPG dealership in favour of the third respondent herein is under challenge in the present writ petition on various grounds.

LAND:

13.The learned counsel for the petitioner has mainly contended that the third respondent has relied upon a final decree in a suit for partition to claim title to a particular parcel of the land. The third respondent's father is a party to the said final decree proceedings. The property that is being offered for construction of godown namely Survey No.979/1B was not the subject matter of the said partition suit. But the said survey number was introduced only in the compromise decree. Hence, according to the learned counsel for the petitioner, it requires compulsory registration as amended under Section 17(2)(vi) of the Registration Act, 1908. Since the said final decree has not been registered, it cannot be looked into for any purpose. The said document will not confer a clear title upon the third respondent or his family members which is required as per brochure issued by the Indian Oil Corporation. The learned counsel for the petitioner has also relied upon a judgment of the Hon'ble Supreme Court reported in ***(2008) 13 Supreme Court Cases 102*** (K.Raghunandan and others Vs. Ali Hussain Sabir and others) and the judgment of his Court reported in ***AIR 1946 Madras 534*** (Ittoli Moidin Koya's Son Koyatti and others Vs. Imbichi Koya and others) to the said effect.

14.The Hon'ble Supreme Court in a judgment reported in ***(1995) 5 SCC 709 (Bhoop Singh Vs. Ram Singh Major and others)*** in Paragraph No. 18 has summarised the legal position with regard to Section 17(2)(vi) of the Registration Act and the same is extracted as follows:

"*18. The legal position qua clause (vi) can, on the basis of the aforesaid discussion, be summarised as below :*

(1) Compromise decree if bona fide, in the sense that the compromise is not a device to obviate payment of stamp duty and frustrate the law relating to registration, would not require registration. In a converse situation, it would require registration.

(2) If the compromise decree were to create for the first time right, title or interest in immovable property of the value of Rs.100/- or upwards in favour of any party to the suit, the decree or order would require registration.

(3) If the decree were not to attract any of the clauses of sub-section (1) of section 17, as was the position in the aforesaid Privy Council and this Court's cases, it is apparent that the decree would not require registration.

(4) If the decree were not to embody the terms of compromise, as was the position in Lahore case, benefit from the terms of compromise cannot be derived, even if a suit were to be disposed of because of the compromise in question.

(5) If the property dealt with by the decree be not the "subject matter of the suit or proceeding", clause (vi) of sub-section (2) would not operate, because of the amendment of this clause by Act 21 of 1929,

which has its origin in the aforesaid decision of the Privy Council, according to which the original clause would have been attracted, even if it were to encompass property not litigated".

15.Whether a compromise decree in respect of land which is not the subject matter of the suit but it is part of the settlement between the family members require compulsory registration or not came up for consideration before the Hon'ble Supreme Court in a recent decision reported in ***(2021) 7 SCC 446 (Ripudaman Singh Vs. Tikka Maheswar Chand).*** After following the judgment reported in ***(1995) 5 SCC Page 709 (Bhoop Singh Vs. Ram Singh Major and others)***, the Hon'ble Supreme Court was pleased to hold that where the decree holder had pre-existing right in the property, the decree does not require registration. Only in cases where there was no pre-existing right, a right of praesenti was sought to be created for the first time under the compromise decree, the said decree would require registration as contemplated under Section 17(2)(vi) of the Registration Act. It is not the case of the writ petitioner that the third respondent's father did not have any pre-existing right, and for the first time right was conferred upon under the compromise decree with regard to Survey No.979/1B. Therefore, it is clear that the said compromise decree does not require any registration.

16.A careful reading of the brochure indicates that it is not essential to produce the registered document to establish clear ownership. Mere mutation of revenue records in the name of the applicant/ family members is enough for establishing clear ownership/ title to the property which is proposed to be used as a godown. In the present case, the revenue records have got mutated in the name of the third respondent, his mother and his sister way back in the year 2008. As contemplated under Clause-9, the mother and sister have given an affidavit of consent for granting LPG dealership to the third respondent herein. Therefore, it is clear that the respondents 1 and 2 cannot be found fault with for awarding 25 marks in favour of the third respondent for having clear title over the land.

17.The respondents 1 and 2 are insisting upon a clear title over the land in order to avoid future litigation which would result is disturbing of the distribution of LPG cylinder to the consumers. Only with the said objective, the Clause relating to clear title of the property has been incorporated. Hence, the said Clause should be understood only in a meaning that the title which is required for peaceful and undisturbed business activities should be available to the applicant so that the consumers are not affected. It cannot be understood in such a manner which requires strict proof before a competent civil Court in a suit for declaration of title. Hence, the contention of the learned counsel for the petitioner that the third respondent is not having clear title over the property is liable to be rejected.

18.The learned counsel for the petitioner has raised an issue relating to awarding of 18 marks to the third respondent under the head of capability to provide finance. The respondents have produced the Bank statement which would clearly establish that the third respondent had maintained more than Rs.18/- lakhs for a period of 90 days from the date of application and hence, the contention raised against the financial capability of the third respondent is also liable to be rejected.

19.The learned counsel for the petitioner had further contended that the third respondent had obtained a certificate of experience to the effect that he is the Director of Sri Balaji Group of Educational Institution. The said certificate has been issued by Muthu Memorial Educational Trust. The mother of the third respondent who is managing of the said Trust has issued this certificate. The petitioner had further contended that the third respondent has been awarded 2 marks under the head of any other trade for qualifying of his experience. Being a Director of an Educational Institution cannot be considered to be an experience in trading activities. By no stretch of imagination, any Educational Institution could be considered to be a place of trade. Hence, the awarding of the said marks in favour of the third respondent is not legally sustainable.

20.The third respondent in their Additional Counter had pointed out that they are running a group of Educational Institutions in which several ancillary trading activities are being carried out like transportation facility, canteen facility, selling of book etc. It is also brought to the notice of the Court that they are running Hostel with mess facility. Per contra, the petitioner had contended that this ancillary trading activities has been pleaded only in the additional counter and the same should not be taken into consideration. It is not the case of the petitioner that the third respondent is not a Director of Various Educational Institutions. Naturally, being a Director of various Educational Institution, the fact pleaded in the additional counter could not be brushed aside, especially now a days, the Educational Institutions are being run on a profit basis. Therefore, the contention of the learned counsel for the petitioner that the awarding of marks in favour of the third respondent under the head of experience is also not legally sustainable.

21.The learned counsel for the petitioner had relied upon Clause 21 and 22 of the brochure to contend that, once a complaint is received by the Indian Oil Corporation, they should request the complainant to substantiate the same within a period of 30 days. Till the said complaint is pending, the letter of intent shall be kept in abeyance. However, in the present case, the petitioner has lodged a complaint on 04.12.2011 and a partial reply was sent on 17.12.2011. Even in the said reply, nowhere it is stated that the complaint has been closed. The petitioner was not offered any time to submit the document to substantiate her allegation. Without closing the said complaint, the Indian Oil Corporation has proceeded to issue letter of intent on 29.02.2012 which is clearly in violation of Clause 21.3 of the brochure.

22.A perusal of the reply sent by the Indian Oil Corporation to the complainant on 17.12.2011 clearly indicates that the procedure of the third respondent is in line with guidelines. The respondents have only stated that they will specifically check the same during the field investigation and any violation, if observed, will be dealt in line with the applicable policy guidelines. The respondents 1 and 2 have conducted a field investigation on 06.01.2012 and the said report has been filed as part of the typed set of papers by the third respondent herein. Item No.3A1 clearly indicates that the respondents 1 and 2 have verified all the documents relating to the land projected by the third respondent herein. In Item No.12, they have also verified the experience certificate submitted by the third respondent. Hence, there was no occasion for the respondents 1 and 2, to call for any document from the writ petitioner substantiating her allegation. That apart, from the year 2011, for the past 11 years, the petitioner could not come out with any additional document/ information relating to the allegation made by her in the complaint dated 04.12.2011. Hence, I find that the complaint dated 04.12.2011 has been closed by the respondents 1 and 2 on 17.12.2011. Therefore, the issuance of letter of intent on 29.02.2012 or the letter of acceptance on 28.08.2012 cannot be found fault with.

23.The learned counsel for the petitioner had further contended that the third respondent is not residing at Ambasamudram and hence, LPG dealership could not have been awarded to him. This issue has not been raised in the complaint dated 04.12.2011. However, from the brochure, it could be seen that there is no restriction with regard to the permanent residentship of the applicant. Only after being awarded the LPG dealership, the applicant is expected to be at the place of dealership. That apart, no specific marks have been allotted for being a resident of the place for which the dealership is being called for and no marks have been awarded in favour of the third respondent under the said head. Hence, the said allegation does not require any consideration.

24.The petitioner has alleged that the respondents 1 and 2 have acted with malafide and in a biased manner as against the writ petitioner and they have favoured the third respondent herein. Whenever any document was sought for by the writ petitioner, the respondents have either refused to provide the said document or delayed in providing the said document. Every time the petitioner was forced to file a writ petition to get a copy of the document. The attitude of the respondents 1 and 2 should also be taken into consideration in the light of the said allegation. He had further contended that without affording any opportunity to the writ petitioner by issuing a notice granting 30 days for substantiating her complaint, they have passed an order on 17.11.2011. I find no substance in the said allegation. In fact the application of the third respondent has been rejected by the Indian Oil Corporation by an order dated 15.09.2011 citing certain minor mistakes made by the third respondent in his application. Challenging the same, the third respondent had filed W.P(MD).No.11147 of 2011. The learned Single Judge of this Court was pleased to point out that, those mistakes are not material and significant and had directed the Indian Oil Corporation to consider the application of the third respondent and permit him to attend the interview by an order dated 20.10.2011. Only thereafter, the application of the third respondent was accepted and he was permitted to attend the interview. Hence, the contention of the writ petitioner, that the Corporation has acted with malafide and more biased towards the third respondent is not factually correct.

25.In view of the above said deliberations, I find that the petitioner has not made out any ground for interfering in the order of the letter of intent or letter of acceptance issued by the respondents 1 and 2 in favour of the third respondent. The respondents 1 and 2 have strictly adhered to the Clauses in the brochure and have selected the third respondent for awarding dealership. I do not find any illegality or infirmity in the said order. The writ petition is devoid of any merits and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17 .11.2022

Internet : Yes/No
Index : Yes/No
msa

R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

W.P.(MD).No.13743 of 2013
and M.P(MD).Nos.1 & 2 of 2013

17.11.2022