

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15315 of 2023

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M/s Moumita Enterprises (a Sole Proprietorship Firm) having its Registered Office at - 86, South Baksara, Sukanta Palace, P.O Buksara, P.S- Santragachi, District- Howrah -711109 (W.B.) through its Authorized Representative Kanhiya Kumar, aged about 34 years, S/o Chitranjan Kumar.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. Superintendent of Police, Begusarai, District- Begusarai.
3. Officer In-Charge, P.S. Barauni Refinery, District- Begusarai.
4. Indian Oil Corporation Ltd., through Chairman having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai.
5. General Manager, (Contract Cell), Eastern Region Office, Regional Contract Cell, Indian Oil Bhawan, 2 Gariahat Road (South), Dhakuria, Kolkatta.
6. The Deputy General Manager, I.O.C.L., Barauni Terminal, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC 4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-11-2023

In the instant writ petition, petitioner has prayed for the following relief/reliefs:

“i) For issuance of writ in the nature of mandamus directing the respondent Nos. 4 to 6 to grant further extension of a period of two weeks for physical verification of Tank Truck of the petitioner in pursuant to LOA no. RCC / ERO / 39 / 2023 – 24 / 435 dated 26.06.2023



arising out of E-Tender No. RCC/ERO/37/2022-23/PT-175, Whereas petitioner qualified as L-1 in the above mentioned tender for providing 09 numbers of Tank Truck for Road Transportation of Bulk Petroleum Product by Top Loading Tank Truck and as per terms of LOA petitioner was required to place physically all Built Tank Truck at the location provided by IOCL for physical inspection with all license, documents for original verification within 30 days from the date of LOA and petitioner bring the Tank Truck at Barauni IOCL Refinery but truck could not entered into Barauni IOCL Refinery due to the obstruction created by local transporters and in spite of complaint made to the transporters and in spite of complaint made to the respondents parties no action was taken and period of 30 days from issuance of LOA for physical verification get expired.

ii) For issuance of writ in the nature of mandamus directing the respondent specially respondent no. 1 to 3 take necessary action and preventive measures to protect the petitioners from the local transporters and act upon the complaint made by the petitioner and further directing may be issued to get the Tank Truck entered into the Barauni IOCL Refinery for physical verification and in spite of complaint made by petitioner the local administration had taken no action against the local transporters who were creating hindrance in the physical verification of the vehicle.

iii) For issuance of any other relief or reliefs.”

2. Core question for consideration in the present writ petition is whether petitioner was required to produce physically the Tank Trucks within the time limit stipulated in the IOCL, Barauni Refinery. In non-production of physically the Tank Trucks



within the time limit stipulated, impugned action is stated to have been taken.

3. The petitioner has not furnished any material to show that he had produced physically the Tank Trucks within the time limited stipulated in the IOCL, *Barauni* Refinery. In the absence of such material, the petitioner has not made out a case. Accordingly, present writ petition stands dismissed reserving liberty to the petitioner to file fresh writ petition, in the event of any material information available with the petitioner in respect of production of Tank Trucks before the IOCL authority/authorities, if any.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

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

