

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15241 of 2023

M/S Ashab Logistics (a Sole Proprietorship Firm) Having its Registered Office at - 19, Begum Rokeya Sarani, P.O- D.S Lane, P.S- Sankrail, District- Howrah - 711109 (W.B.) through its Authorized Representative Md. Gufran Ansari, aged about 34 years, S/o Md. Sultan

... .. Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Begusarai.
2. Officer In-Charge, P.S. Barauni Refinery, District- Begusarai.
3. Indian Oil Corporation Ltd. through Chairman having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai.
4. Chief general Manager (Operation), Bihar State Office, Indian Oil Corporation Limited, Loknayak Jaiprakash Bahawan, Dak Bunglow Chowk, Patna.
5. Senior Manager for Chief General Manager (Contract Cell), ERO, Indian Oil Corporation Limited (Marketing division), Indian oil Bhawan, 2, Gariahat Road (South), Dhakuria, Kolkata.
6. General Manager, (Contract Cell), IOCL Eastern Region Office, Regional Contract Cell, Indian Oil Bhawan, 2 Gariahat Road (South), Dhakuria, Kolkatta.
7. The Deputy General Manager, IOCL, Barauni Terminal, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate
		Mr. Abhinav Alok, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, Advocate
For IOCL	:	Mr. Ankit Katriar, Advocate

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 Quashing of Letter bearing Letter No. BSO/OPS/BJU/ATF Dated : 27.04.2023, issued by Respondent No. 5, Whereby and Where under the Security Deposit of the petitioner has been forfeited and Tank Trucks placed by the petitioner was placed on Holiday listing as per Tender, on the ground that the petitioner could not produced Tank Trucks within the prescribed period of 45 days from the date of LOA for physical verification, and the said termination order was passed without considering the fact that the petitioner placed the Tank Trucks within the prescribed period at Gate of Barauni Refinery but could not get entered the TT into the IOCL Barauni Refinery due to obstruction created by the local Transporters and even the State Administration could not resolve the issue within time.

ii) 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 petitioners in pursuance to LOA no. RCC/ERO/39/2022 No. RCC/ERO/37/2022-23/PT-154, Whereas petitioner qualified as L-1 in the above mentioned tender for providing 03 numbers of Tank Truck for “Road Transportation of Bulk Petroleum Product-ATF by Top Loading Tank Truck Ex Barauni Terminal” 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 due to the obstruction created by local 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.

iii) For Issuance of Writ in the nature of Mandamus directing the respondent authorities specially respondent No. 5 to consider and taken a decision on the



petitioner's application for extension of time dated : 08.06.2023 after considering the reasons for non production of vehicles for physical inspection within prescribed time.

iv) For issuance of writ in the nature of mandamus directing the respondent specially respondent no. 1 to 3 to 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 direction 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.

v) For granting stay on the operation of letter bearing Letter No. BSO/OPS/BJU/ATF Dated: 27.04.2023, issued by Respondent No. 5 till the disposal of writ application.

vi) 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	08.11.2023
Transmission Date	NA

