

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1649 of 2018

In

Civil Writ Jurisdiction Case No.13399 of 2010

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Anoj Kumar Son of Surendra Kumar Sharma Resident of Village- Manwan,
Post Office- Punther, Police Station- Hisua, District- Nawada.

... .. Appellant/s

Versus

1. The Union Of India through the Secretary Ministry of Natural Gas Oil and Petroleum, New Delhi.
2. Bharat Petroleum Corporation Limited (A Government of India Undertaking) through its Chairman-cum-Managing Director Bharat Bhawan, Kasim Shah and Belord Estate Bombay- 400001.
3. The Regional Manager, Eastern Regional Office, Bharat Bhawan, Plot No.31, K.I.T. Scheme No.118, Prince Gulam Mohammad Shah Road, Gold Green Kolkata- 700095.
4. Distributor Selection Committee L.P.G. Bharat Petroleum Bottling Plant Industrial Estate Rajpura Fatuha, Patna- 803201.
5. Regional Co-ordinator, L.P.G. East Eastern Regional Office Kolkata Bharat Bhawan Plot No.31, L.I.T. Scheme No.118, Prince Gulam Mohammad Shah Road, Gold Green Kolkata- 700095.
6. Divisional Manager Bharat Corporation Limited, III Floor Ashiana Chamber Exhibition Road, Patna-1.
7. Sri Kaushalendra Kumar Son of Krishna Prasad Behind Nalanda College, Mohalla Garhpar, Police Station- Biharsharif, District- Nalanda.
8. Ashok Kumar Proprietor Jay Mata Di Gas Agency, Biharsharif, District- Bardi Market Bharaw Par, Police Station- Biharsharif, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P. N. Shahi, Sr. Advocate Mr. Choudhary Shyam Nandan, Advocate
For BPCL	:	Mr. Siddhartha Prasad, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Om Prakash Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2023

The writ petition judgment which led to the appeal,



challenge the award of distributorship of LPG for Nawada, District Nawada to the 7th respondent. In fact, when the writ petition was called up for hearing, there was no proper representation. The judgment clearly indicates that consistently there was no appearance and despite adjournments being given, even after the hearing was concluded, again the case was not properly prosecuted. It was in this circumstance that the learned Single Judge, on the finding that the 7th respondent was granted dealership and it stood commissioned on 27.02.2010, which later was extended on 26.07.2015 for a further period of 5 years, rejected the writ petition. The writ petition was dismissed as on 20.07.2018 in C.W.J.C. No.13399 of 2010. We are of the opinion that much water has flowed under the bridge and there is no allegation against the conduct of the dealership, in which circumstance, the clock cannot be put back to put the petitioner/appellant in the dealership, even if he is found entitled and is found to be more competent than the 7th respondent himself.

2. The learned Senior Counsel appearing for the appellant however, points that despite a chargesheet being filed in a Criminal Case, the same had not been disclosed in the application. It is pointed out from Annexure-D, which is the



final order in the Criminal Case exonerating the 7th respondent, that a chargesheet was filed on 10.01.2007. The statement made by the 7th respondent in the affidavit producing Annexure-D, in paragraph-10 is that there was only one case pending against the 7th respondent in which, cognizance was not taken by the Court concerned. It is pointed out that the Annexure-D produced by the 7th respondent himself indicates that chargesheet was filed on 10.01.2007.

3. Learned Senior Counsel appearing for the respondent, however, points that the requirement is only to disclose conviction or framing of charges by a Court of law for any criminal offence involving moral turpitude/economic offence, which is evident from Annexure-1 application(at column 15) produced by the petitioner himself. The specific contention taken by the 7th respondent is that, at the point of submitting the application, there was no cognizance taken by this Criminal Court and the charges were not read over to him. There is nothing produced by the appellant to substantiate framing of charges having been carried out, as on the date of submission of the application. We find absolutely no reason to interfere with the award of dealership on the sole ground pleaded.



4. We also find that the grant of dealership having occurred almost more than a decade back cannot be now upset on the sticky ground raised by the appellant herein. We find no reason to interfere with the judgment passed. The challenge is rejected and the appeal is dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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