

Sl No. 24
01.03.2023.
SB-II
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 384 of 2023

**Sri Umananda Roy
-versus
Union of India & Ors.**

Mr. Shankar Banerjee,
Ms. Suman Sehanabis (Mandal),
... For the petitioner.
Mr. Bikramaditya Ghosh,
... for the respondent no. 2 and 3.
Ms. Supriya Singh,
... for the respondent NHAI.
Mr. Sudipto Kumar Mazumdar, Ld. DSGI
Mr. Sourav Kar,
... for the Union of India.

The application of the petitioner in response to the advertisement dated 25th November, 2018 for awarding retail outlet dealership under Scheduled Caste category has been rejected on 17th November, 2022.

The rejection order mentions that the land offered by the petitioner is not meeting National Highway Norms (intersection of road and approach to rail over bridge is within 300 meters).

The candidature of the petitioner has been found to be ineligible for allotment of the retail outlet dealership. The rejection order mentions that in case of any grievance, the candidate may make representation within ten days from the date of rejection.

Learned advocate for the petitioner submits that though there is a provision for filing representation within ten days but the said opportunity was actually not granted to the petitioner. On the self-same day of rejection, the authority directed the petitioner to take refund of the money deposited on account of security deposit.

The learned advocate for the petitioner submits that the intersection for which the candidature of the petitioner stood rejected does not fall on the same side where the petitioner intends to set up the retail outlet, but falls on the opposite side of the proposed outlet site.

Learned advocate representing the Hindustan Petroleum Company Limited submits that the guidelines/norms for grant of permissions for construction of access to fuel stations, side amenities, connected roads, other properties, rest area complexes and such other facilities clearly mention that the retail outlet cannot be permitted to be set up within 300 meters of an intersection. It makes no difference if the retail outlet site falls on the same or the opposite side of the intersection.

In the present case it appears that though the petitioner was allowed to file representation if he is aggrieved by the rejection, but he failed to avail such opportunity.

The present writ petition has been filed on 09.02.2023, long after the period prescribed for filing the representation.

Upon rejection of the candidature of the petitioner, the respondent Corporation has taken steps to offer the outlet in favour of the next eligible candidate.

At this stage, it may not be proper to entertain the prayer of the petitioner for reconsideration of her case.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)