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W.P.No.8207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.8207 of 2023

and

WMP.No.8428 of 2023

R.Nalini

...Petitioner

Vs.

1. The Manager,
Indian Oil Bhavan,
G-9, Ali Yavar Jung Marg,
Bandra East, Mumbai-400 051.
2. The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
(Marketing Division),
Trichy Divisional Office,
Triveni 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy-620 018.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order of rejection passed by the 2nd respondent in Ref. SRMP/15456388609032 dated 05.12.2022, quash the same consequently directing the respondents to initiate the installation of Retail Outlet Petrol Station at Mannarkudi-Nidamangalam Road under “A”/”C” site RO for the petitioner.



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For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.M.Mohammed Fayaz Ali

ORDER

This Writ petition has been filed seeking quashment of the rejection order passed by the 2nd respondent in Ref. SRMP/15456388609032 dated 05.12.2022 and to consequently direct the respondents to initiate the installation of Retail Outlet Petrol Station at Mannarkudi-Nidamangalam Road under “A”/”C” site RO for the petitioner.

2. The case of the petitioner is that she made an application dated 25.11.2018 for retail outlet of Petroleum station at Mannargudi, Nedumangalam road under A site category, which is reserved for Scheduled Caste candidates and the petitioner's application got selected and she was issued with the Letter of intent (in short 'LOI') dated 10.02.2020 by the respondents. While so, the 2nd respondent, vide communication dated 05.12.2022, informed the petitioner that she is not eligible to apply for “A” site dealership as per the multiple dealership norms on the ground that, the petitioner's husband is an existing “B”/”DC” RO dealer. Challenging the



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same, the petitioner has come up with this Writ petition.

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3. Learned counsel for the petitioner submitted that, the petitioner made an initial deposit of Rs.30,000/- and pursuant to the issuance of LOI, the petitioner arranged the land for installation by spending huge sum of money and also obtained the necessary permissions and No objection from the competent authorities. He further submitted that, even as per the guidelines issued by the competent authority, there is no bar for a candidate whose family members have “B”/”DC” site RO dealership, to apply and to be allotted with “A”/”CC” site RO dealership. While so, the present impugned rejection order passed by the 2nd respondent is wholly unsustainable. Hence, he prayed for allowing this Writ petition.

4. Learned counsel appearing for the respondents submitted that, as per the multiple dealership norms, the applicant or any other member of the candidate's family unit should not hold “A”/”CC” site RO or LOI for the same of any oil company or RO/SKO-LDO dealerships/LPG Distributorships developed under Corpus Fund scheme and other Special category. The petitioner's husband is an existing “B”/”DC” site dealer,



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therefore, the petitioner is not eligible for “A”/”CC” site dealership, as the same is not permissible as per the Guidelines. Further, even otherwise, in the LOI dated 10.02.2020 issued by the 2nd respondent it is stated that, the LOI will stand automatically withdrawn and cancelled for happening of several events and one such event is *in case the candidate or her close relatives like spouse, unmarried son(s) and unmarried daughter(s) receive any time or have received a letter of intent for any other dealership or distributorship from our company or any other oil company either in her individual capacity or in partnership with any other individuals(s)*. In view of the above, the rejection order passed by the 2nd respondent cannot be found fault with and the same is perfectly in order and accordingly, he prayed for dismissal of this Writ petition.

5. Heard learned counsel on either side and perused the materials available on record.

6. The major issue involved in this Writ petition is whether the petitioner is entitled to make application for retail outlet of Petroleum station under A site category. Admittedly, the petitioner's husband is an



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existing “B”/”DC” RO dealer and the claim of the petitioner is that, there is no bar for a candidate whose family members have “B”/”DC” site RO dealership, to apply and to be allotted with “A”/”CC” site RO dealership and only when any of the family members of the candidate have “A”/”CC” site RO dealership, there is a bar for the candidate to apply and to be allotted with “A”/”CC” site RO dealership.

7. Be that as it may. A perusal of the material documents placed on record particularly the LOI dated 10.02.2020 wherein it is stated that, the LOI will stand automatically withdrawn and cancelled in case the candidate or her close relatives like spouse, unmarried son(s) and unmarried daughter(s) receive any time or have received a letter of intent for any other dealership or distributorship from our company or any other oil company either in her individual capacity or in partnership with any other individuals(s). Further, failure to disclose the same would result in automatic cancellation of the allotment.

8. The facts remains that, the petitioner's husband is an existing



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“B”/“DC” RO dealer and the said fact is neither disputed nor the fact that non-furnishing of the said information by the petitioner in her application for dealership. That being the case, the respondents have rightly rejected the petitioner's application for “A”/“CC” site RO dealership, as the petitioner has suppressed the information in her application necessitating the automatic cancellation of the allotment. In such circumstances, this Court is not inclined to interfere with the order impugned in this Writ petition.

9. For the reasons aforesaid, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

06.04.2023

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NCC	: Yes / No
Speaking Order	: Yes / No
Index	: Yes / No



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M.DHANDAPANI., J.

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