

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8254 of 2015

Md. Kabiruddin son of Late Md. Jalil resident of village Kadamgachhi, P.O. Sheetalpur, P.S. Paharkatta, District Kishanganj.

... .. Petitioner/s

Versus

1. Chairman Hindustan Petroleum Corporation Limited, 17, Jamshedji Tata Road, Mumbai- 400020.
2. Managing Director 17, Jamshedji Tata Road, Mumbai-400020.
3. Senior Regional Manager, Hindustan Petroleum Corporation Limited, Patna L.P.G. Regional Office, 6th Floor, Lok Nayak Jaiprakash Bhawan, Dak Banglow Chowk, Patna- 800001
4. Ghulam Mujtaba S/O Abdul Baasit resident of village Dehalbari, P.S. Paharkatta Pothia District Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Fasihur Rahman Mallick

For the Respondent/s : Mr.Sanjay Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

8 08-02-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following reliefs:-

“That this writ petition is being filed for issuing an appropriate writ order or direction to the respondents, particularly to respondent no. 1, 2 and 3 to terminate the Distributorship of the Distributer Gulam Mujtaba at Shitalpur, Damalbari location in the District of Kishanganj appointed as Distributer under Rajiv Gandhi Gramin LPG Vitrak Scheme (in short called as RGGLV)”

3. The present application has been filed by the unsuccessful applicant for appointment as LPG Distributor under the Rajiv Gandhi Gramin LPG Vitrak Yojana.

4. Learned counsel for the petitioner has stated that the petitioner along with the respondent No. 4 has applied for appointing him as a distributor in the first respondent



Corporation and subsequently on the basis of drawal of lots, the respondent No. 4 was selected. Learned counsel has stated that the respondent No. 4 application ought to have been rejected by the authority concerned as the respondent No. 4 had suppressed material fact and filed a false affidavit. Learned counsel has stated that as per the Clause 7 and Clause 10 of the application (Annexure-1), the respondent No. 4 was obligated to disclose if he has been convicted or any charges have been framed against him by any Court of Law for any criminal offences involving moral turpitude and economic offences (other than freedom struggles). That in case of any wrong declaration by the applicant, the license of said applicant is liable to be cancelled/terminated. Learned counsel has stated that though the respondent No. 4 had two criminal cases pending against him (Page 8 of the present writ petition). Those two criminal cases were:-

(i) Paharkatta (Pothia) P.S. Case No. 119/1996, G.R. No. 1275/1996, Sections 325, 147 and 323 I.P.C.

(ii) Paharkatta (Pothia) P.S. Case No. 86/1998, G.R. no. 792/1998, Sections 147, 148, 149, 323, 324, 34, 307 & 379 I.P.C.

5. Learned counsel has stated that the respondent No. 4 has not disclosed the same in his application. Learned counsel has stated that the non-disclosure of the cases pending/charged by the respondent No. 4 amounts to misrepresentation and



playing fraud on the Corporation. Therefore, the selection of the respondent No. 4 is bad, illegal and contrary to the terms and conditions of the grant of distributorship.

6. *Per contra*, learned counsel appearing on behalf of the Corporation has vehemently opposed the very maintainability of the present writ petition and stated that the present writ petition has been filed by suppressing the material facts. Learned counsel has stated that as a matter of fact, the respondent No. 4 was acquitted in both the criminal cases which the petitioner has himself stated at Para 9 of the present writ petition. Learned counsel has stated that after the petitioner had made a complaint against the respondent No. 4, the authorities had called for an explanation from the respondent No. 4. That the respondent No. 4 had submitted his explanation along with the necessary documents to show that he was acquitted in both the criminal cases. Further, learned counsel for the respondent-Corporation has stated that the distributorship was given long back and that there are no complaints against the respondent No. 4. That no useful purpose will be achieved at this point of time, if any adverse order is passed. Therefore, learned counsel for the respondent-Corporation has prayed this Court to dismiss the present writ petition.



7. Learned counsel appearing on behalf of respondent No. 4 while adopting the arguments made by the counsel for the Corporation has stated that the respondent No. 4 has been continuing as a distributor by his spending huge amounts and, has been doing business without any complaint from any consumer. Learned counsel has stated that as on the date of application was made there were no charges against the respondent No. 4 nor any cases were pending against him. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

8. Admittedly as per the averments made in the present writ petition and also the counter-affidavit, it is abundantly clear that the two criminal cases were foisted on the respondent No. 4 way back in the year 1997. The notification for appointment of distributorship was issued in the year 2013. Further as seen from the record, the respondent No. 4 was acquitted of all charges in both the criminal cases in the year 1997 and 2010 respectively therefore, the contention of the petitioner that the respondent No. 4 has mislead the authorities in not disclosing about the earlier two criminal cases is without any legal basis. Once the respondent No. 4 has been acquitted of all charges, the non-disclosure of the same cannot be a ground



for seeking cancellation of the distributorship of the respondent No. 4. Moreover, as seen from the record, the criminal cases are of the year 1996 and 1998 and the respondent No. 4 was acquitted in 1997 and 2010 respectively. Therefore, as on the date of filing the application, the respondent No. 4 was acquitted of all the charges for whatever reasons.

9. Having regard to the language used in the Column No. 7 of the application, it can be only be interpreted that the applicants were obligated to declare whether any criminal cases are pending against them and charges framed or whether they are convicted. However, the same does not mean that the applicant that the applicant has to disclose the information with regard to all the criminal cases foisted against him even when they are acquitted of all charges.

10. Having regard to the above mentioned facts and circumstances, this Court does not find any merit in the present writ petition which warrants any interference and the same is dismissed accordingly.

(A. Abhishek Reddy, J)

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