

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1541 of 2016

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Dazy Sharma W/o Deepak Kumar Sharma Resident of 45 , Anandpuri, West
Boring Canal Road, District Patna

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Joint Secretary, Ministry of Petroleum and Natural Gas, Govt. of India,
New Delhi
3. The Indian Oil Corporation Ltd. having its Registered Office at , 9, Ali Yavar
Marg, Bandra East,
4. The General Manager, Indian Oil Corporation Bihar State Office , Lok
Nayak Bhawan, 5th Floor, Dakbu
5. The Chief Area Manager, Indane Area Office, Indian Oil Corporation, Patna
6. The Assistant ManagerLPG-S, Patna -II, LSA, Patra Area Office, Indian Oil
Corporation , 1st Floor,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal Mr. Alok Kumar Jha Mr. Mukund Kr. Mr. Akash Kumar Mr. Aditya Raman
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen.
For the UOI	:	Mr. Satyendra Kumar Jha, cgc
For the IOC	:	Mr. Ankit K.

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

9 10-05-2024 The petition is filed for issuance of Writ of Certiorari

for quashing of the letter dated 06.05.2015 bearing Reference

No. PAT/LPG/NEW/OP/140/23 dated 09.04.2015 issued by the

5th respondent. Further for quashing of the Letter dated



12.11.2014 bearing Reference No.
PAT/LPG/PHULWARISHARIF/02 issued by the 6th
respondent. Further to direct the respondent to issue Letter of
Intent to the petitioner and direct the respondent Corporation
and its authorities restraining them from advertising afresh
award for distributionship of LPG, for the same location and to
declare the land offered by the petitioner for the purpose of
showroom and godown is as per the advertisement of the
respondent Corporation and in conformity with the requirements
of the selection guidelines.

2. The brief facts culled out of the petition are that the
petitioner made an application for the LPG distributionship for
the advertisement made by the respondents published in the
newspaper dated 18.05.2012 for the location at Phulwarisharif
(Annexure-1).

3. The petitioner had offered plot of land for godown
and showroom purposes within the locality. As per Clause 3 of
the advertisement, the applicability of brochure is published and
was adopted by the respondent Corporation for the purpose of
selecting the dealers. As per Clause 7.1(vi) of the brochure, it is
for the applicant to offer a plot of land for the purpose of
godown within 15 kms of the Municipal/Town/Village limits of



the advertised location, and as per Clause 7.1(vii), the applicant must own a suitable shop of size 3.00 meters X 4.5 meters or should own a plot of land for construction of the shop of the said size at the advertised location (Annexure-2).

4. The petitioner applied as an individual applicant for Phulwarisharif locality and offered land situated at Mahangupur village, Phulwarisharif District Patna, located at Khesara No. 506(P) and 507(P) for the purpose of godown having length of 43 metres and breadth of 33.52 metres which is more than the requirements as per the selection guidelines. He further offered another plot at the same location having length of 9.24 meters and breadth of 8 meters for the purpose of showroom as per the advertisement (Annexure-3).

5. The application of the petitioner was scrutinized in terms of Clause 9.5 and the petitioner was found fit and qualified in all aspects. The petitioner was called upon by the respondent Corporation through the respondent No. 5 vide letter dated 08.08.2013, bearing Reference No. PAT/LPG/NEW/OP/140/23 for the purpose of draw at the office of the respondent Corporation at Patna on 01.09.2013 (Annexure-4).

6. The petitioner attended the draw proceedings and



was declared successful applicant in the said draw for the award of distributionship. The 6th respondent vide letter dated 09.05.2014 bearing Reference No. PAT/LPG/PHULWARISHARIF requested the Circle Officer, Phulwarisharif, Patna to confirm the declaration of the petitioner regarding the location of the land offered for the purpose of distributionship vide (Annexure-5). In turn, the Circle Officer, Phulwarisharif, Patna vide letter bearing Reference No. 593 dated 09.05.2014 confirmed that the land offered by the petitioner existed at Mauza-Mahangupur Khata No. 124, 180 and Khesra No. 506 and 507 and Thana No. 55 is within Phulwarisharif (Annexure-6).

7. Further the 6th respondent issued another letter dated 30.09.2014, bearing Reference No. PAT/LPG/PHULWARISHARIF whereby similar confirmation was requested from the Circle Officer, Phulwarisharif, asking him whether the land falls under Municipal limit of Phulwarisharif location as per Annexure-7.

8. In turn, Circle Officer, Phulwarisharif, Patna once again vide letter bearing Reference No. 1310 dated 09.10.2014 confirmed the existence of the land offered by the petitioner which falls within the Phulwarisharif Circle. The 6th respondents



vide impugned letter dated 12.11.2014 bearing reference No. PAT/LPG/PHULWARISHARIF/02 informed the petitioner about the query made vide letters dated 09.05.2014 and 30.05.2014 from the Circle Officer, Phulwarisharif and confirmation given by the Circle Officer vide letters dated 19.05.2014 and 09.10.2014. The 6th respondent vide impugned letter dated 12.11.2014 specifically stated about that the requirements of the land for the purpose of showroom has to be located within the Municipal limit of Phulwarisharif, Patna and the land offered by the petitioner though falls within the limits of Phulwarisharif, but is not within the Municipal limits and therefore, the petitioner was called upon to provide alternative land within the Municipal limits of Phulwarisharif, Patna for the purpose of showroom for the distributionship. In response to the impugned letter dated 12.11.2024, the petitioner made a representation dated 27.11.2014 to the 6th respondent with an assertion that the land offered by the petitioner is as per the guidelines published by the respondent Corporation. Further the petitioner requested the 6th respondent to enlighten the petitioner regarding permissibility of arrangement of alternate land, (Annexure-10).

9. It is the contention of the Learned counsel for the



petitioner that the petitioner is the successful candidate and his land is within the limits of Phulwarisharif and further the letters of the Circle Officer disclose that his land is within the limits of said circle and 6th respondent intentionally asked for the alternative land for the purpose of showroom, though the land offered by him is in limits of Phulwarisharif. It is further contended that the petitioner made several representations to the 6th respondent, but the 6th respondent did not respond for the petitioner was constrained to prefer writ petition to quash the impugned letter dated 09.04.2015 and further seeking direction not to advertise for the said distributionship of LPG to others.

10. Further, the Learned counsel for the petitioner contended that he has filed I.A. No. 1379 of 2016 for amendment of the prayer for quashing of the Letter bearing Reference No. PAT/LPG/NEW/OP/140/23 dated 02.02.2016, issued by the 5th respondent, whereby the candidature of the petitioner has been cancelled and it is illegal, arbitrary and in violation of selection guidelines.

11. A detailed counter affidavit has been filed on behalf of the respondent Nos. 3 to 6, I.O.C.L. admitting about the advertisement published by I.O.C.L. for appointment of regular dealership under the open category along with other



locations on 18.05.2012. The contents of the counter affidavit also disclose that draw was conducted among 28 eligible candidates on 01.09.2013 and the petitioner was declared as selected in the said draw.

12. As per the policy, F.V.C. (Field Verification of Credentials) has been conducted for verifying the information of the petitioner. A complaint dated 07.05.2014 was received from one Rakesh Kumar alleging that the petitioner land offered for showroom bearing Khesra No. 506, 507 situated at village Mahangupur which is not under the Municipal Limits of Phulwarisharif Nagar Parishad area. On the said compliant investigation was done by Field Verification Credential Committee and the allegation has been found to be correct.

13. As per the advertisement, the applicant should own a suitable shop of minimum size of 3 meters X 4.5 meters in dimension or a plot of land for construction of shop of minimum 3 meters X 4.5 meters at the advertised location or the locality as specified in the advertisement as on the date of application. The land offered by the petitioner is situated at Mauza Mahangupur, which do not fall within the Municipal limits of Phulwarisharif. The land which was offered by the petitioner for the godown is under the Circle of Phulwarisharif,



but the same land which was shown in Keshra No. 506 and 507 is also shown towards the showroom.

14. It is specific contention of the learned counsel for the respondent that as the land offered for the purpose of showroom do not fall within the Municipal limits. The petitioner was asked to arrange alternative land for the purpose of showroom, inspite of it, the petitioner could not offer land for the showroom and, therefore, the candidature of the petitioner was cancelled.

15. The counter affidavit further disclose that the Filed Verification Credential Committee sought for clarification from the concerned administrative office i.e. Phulwarisharif Nagar Parishad vide Letter Reference PAT/LPG/PHULWARISHARIF dated 04.02.2015, “Whether the subject land falls under/within the Nagar Parishad, limit of Phulwarisharif?” In turn, the Executive Officer Nagar Parishad, Phulwarisharif vide letter No. 83 dated 04.02.2015 confirmed that “Mahangupur Mauza is in Revenue Thana No. 55 under Phulwarisharif, Police Station and it does not fall under the jurisdiction of the Nagar Parishad, Phulwarisharif, Patna,” vide Annexure R/1 and R/2 of the counter affidavit.

16. It is contention of the Learned counsel for the



respondent that as per the guidelines as the land offered by the petitioner do not fall within the 15 kms of Municipal limits of Phulwarisharif. The candidature of the petitioner was cancelled for the distributionship and the cancellation letter was served on petitioner vide Reference No. PAT/LPG/NEW/OP/140/23 dated 09.04.2015. Further, a representation was made by the petitioner dated 21.04.2015 on the candidature cancellation letter and the same representation was also disposed of vide Reference No. PAT/LPG/NEW/OP/140/23 dated 09.04.2015, after giving a personal hearing on 03.06.2015 which is Annexure-R/3.

17. Further the counter affidavit disclose that as per the applicable distributor selection guideline re-draw for location Phulwarisharif was held on 22.06.2016 among the eligible candidates and one Smt. Priya Devi was declared selected on draw. The candidature of Smt. Priya Devi had also been cancelled due to variance found during the Field Verification Credential regarding her claim in the application i.e. (1). offered land for godown and showroom not comply the advertised condition (2) available fund found as on date of application is less than the required minimum fund.

18. Again re-draw for the location of Phulwarisharif was held on 10.02.2017 among the rest of the eligible



candidates and Shri Abhishek Kumar was declared selected in the said draw.

19. After completing Field Verification Credential process of declared selected candidate Shri Abhishek Kumar Letter on Intent (LOI) was issued vide Reference No. 2017/IN000048/BH/2312/00003 dated 04.07.2017, commissioning for the process of distributorship.

20. It is the contention of the Learned counsel for the respondent that third party interest was already created and Shri Abhishek Kumar was running the distributionship since December 2008.

21. On perusal of the entire records, it is evident that the petitioner was selected in the draw at the first instance by the IOCL company but on verification, the land of the petitioner is found to be within the limits of Phulwarisharif, but as per the guidelines, for the purpose of showroom the land should be within the 15 kms of Municipality at the advertised location. As the land offered by the petitioner was not at the advertised location for the purpose of showroom, the petitioner was called upon to provide alternate land within the advertised location. But the petitioner could not offer alternative land so his candidature was cancelled, I.A. No. 1379 of 2016 is filed for



amending the prayer, to cancel the candidature of the 5th respondent and the same is hereby allowed. As discussed Supra, this Court finds no merits in the claim of the petitioner and therefore, the writ petition is dismissed as devoid of merits.

22. In result, writ petition dismissed.

(G. Anupama Chakravarthy, J)

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