

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14325 of 2023

M/s Siddhivinayak through its working partner Mr. Baiju Kumar, aged about 24 years (Male), son of Sri Surendra Manjhi, resident of Mohalla-Bansdih, P.O.-Lahasuna, P.S.-Karai, District-Patna, Bihar Pin-804452.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited through its Chairman, Indian Oil Bhawan, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai, (Maharashtra)-400051.
2. The Chairman, Indian Oil Corporation Limited, Indian Oil Bhawan, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai, (Maharashtra)-400051.
3. The General Manager, Contracts Cell (ERO), Regional Contract Cell, Indian Oil Corporation Limited, MD, 9th Flor, Central Wing Indian Oil Bhawan, 2 Gariahat Road South, Dhakuria, Kolkata 700068.
4. The CGM (Operations), Indian Oil Corporation Limited, Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna-800001.
5. The Chief Manager (RC) Indian Oil Corporation Limited, Barauni Terminal Barauni (Begusarai)-861114.
6. The DGM (RC), Indian Oil Corporation Limited, Barauni Terminal Barauni (Begusarai)-861114.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Manish Sahay, Advocate
For the Respondent/s	:	Mr. Ankit Katriar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-04-2024

The petitioner is before this Court challenging cancellation of his tender. A Notice Inviting Tender (NIT) was issued by the respondent-Corporation for tank trucks to transfer petroleum products from the refinery to the petroleum outlets. The total trucks required by the Corporation was 240 out of



which 36 were reserved for the scheduled caste category to which the petitioner belonged. The petitioner succeeded in getting two trucks allotted for himself which is as per Annexure-P/3 dated 26.06.2023. The petitioner was directed to make a security deposit within 15 days and produce the tank trucks for verification within 30 days from the date of Letter of Acceptance (LOA). The LOA indicates the details of the two tank trucks which was proposed to be provided to the respondent-Corporation as per the work awarded to the petitioner.

2. The petitioner's contention is that the local transporters object to outsiders in getting the contract and in such circumstance a law and order situation is created. It is alleged that the Corporation and the District Magistrate and the district administration acts in cohorts with the local transporters. However, it has to be noticed that neither the District Magistrate nor the police authorities have been impleaded as party respondents in the writ petition. There is not even an FIR produced alongwith the writ petition.

3. In any event the petitioner was granted five days further time by Annexure-P/6 on 26.07.2023. The learned Senior Counsel appearing on behalf of the petitioner submits that since



the five days extension was granted on 26.07.2023, it should be till 31.07.2023. However, it has to be noticed that the petitioner’s original period expires on 25.07.2023, since 30 days period from 26.06.2023 is over on that date. An extension granted has to relate back to the date of expiry and in such circumstance the trucks were to be produced on 30.07.2023. It is in this circumstance that when the trucks were produced on 31.07.2023, it was not verified and it was informed that the time has expired.

4. We find absolutely no reason to interfere with the said decision taken by the respondent-Corporation.

5. The writ petition stands dismissed.

6. The petitioner would be at liberty to make a request for return of security deposit which would be considered in terms of the notice inviting tender.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2024
Transmission Date	NA

