

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15283 of 2023

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M/s Somnath Roadlines (a sole proprietorship Firm) having its registered office at -Village-Bhayabantapur, P.O.-Khanjanchak, P.S.-Durgachak, District-Purba Medinipur-721602 (W.B.) through its sole proprietor and authorized signatory Mr. Somnath Das aged about 37 years, S/o Pranab Kumar Das.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. Superintendent of Police, Begusarai, District-Begusarai.
3. Officer In-Charge P.S. Barauni Refinery, District-Begusarai.
4. Indian Oil Corporation Ltd. through Chairman having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai.
5. General Manager, (Contract Cell), Eastern Regional Office, Regional Contract Cell, Indian Oil Bhawan, 2 Gariahat Road (South) Dhakuria, Kolkatta.
6. The Deputy General Manager, OICL, Barauni Terminal, District-Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15134 of 2023

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M/s Kabi Transport (a Sole Proprietorship Firm), having its Registered Office at - Vill and P.O.- Keshabpur Jalapai, P.S.- Mahishadal, District- Purba, Mehinipur- 721628 (W.B.) through its Sole proprietor and authorized signatory Mr. Shankar Kabi aged about 41 years, S/o Narayan Kabi.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. Superintendent of Police, Begusarai, District- Begusarai.
3. Officer In-Charge, P.S. Barauni Refinery, District- Begusarai.
4. Indian Oil Corporation Ltd., through Chairman having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai.
5. General Manager, (Contract Cell), Eastern Region Office, Regional Contract Cell, Indian Oil Bhawan, 2 Gariahat Road (South), Dhakuria, Kolkata.
6. The Deputy General Manager, IOCL, Barauni Terminal, District- Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15277 of 2023

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M/s Moumita Enterprises (a Sole Proprietorship Firm) having its registered office at -86, South Baksara, Sukanta Palace, P.O.-Baksara, P.S.-Santragachi, District-Howrah-711109 (W.B.) through its Authorized Representative Kanhiya Kumar, aged about 34 years, S/o Chitranjan Kumar.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. Superintendent of Police, Begusarai, District-Begusarai.
3. Officer In-Charge, P.S. Barauni Refinery, District-Begusarai.
4. Indian Oil Corporation Ltd. through Chairman having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai.
5. Chief General Manager (Operation), Bihar State Office, Indian Oil Corporation Limited, Loknayak Jaiprakash Bahawan, Dak Bunglow Chowk, Patna.
6. Senior Manager for Chief General Manager (Contract Cell), ERO, Indian Oil Corporation Limited (Marketing Division), Indian Oil Bhawan, 2, Gariahat Road (South), Dhakuria, Kolkata.
7. General Manager, (Contract Cell), Eastern Region Office, Regional Contract Cell, Indian Oil Bhawan, 2, Gariahat Road (South), Dhakuria, Kolkata.
8. The Deputy General Manager OICL, Barauni Terminal, District-Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15291 of 2023

M/s MAA Oil Movers, (a Sole Proprietorship Firm) having its Registered Office at-Nazirgunj Halder Para, P.O.-D.S. lane, P.S.-Sankrail, District-Howrah-711109 (W.B.) through its Authorized Signatory Mr. Bablu Kumar, aged about 31 Years, S/o Rampravesh Sah

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. Superintendent of Police, Begusarai, District-Begusarai.
3. Officer In-Charge, P.S. Barauni Refinery, District-Begusarai.
4. Indian Oil Corporation Ltd. through Chairman having its registered Office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai.
5. Chief General Manager (Operation), Bihar State Office, Indian Oil Corporation Limited, Loknayak Jaiprakash Bahawan, Dak Bunglow Chowk, Patna.
6. Senior Manager for Chief General Manager (Contract Cell), ERO, Indian Oil Corporation Limited (Marketing Division), Indian Oil Corporation Limited (Marketing Division), Indian Oil Bhawan, 2, Gariahat Road (South), Dhakuria, Kolkata.



7. General Manager, (Contract Cell), I.O.C.L. Eastern Region Office, Regional Contract Cell, Indian Oil Bhawan, 2 Gariahat Road (South), Dhakuria, Kolkatta.
8. The Deputy General Manager, I.O.C.L., Barauni Terminal, District- Begusarai.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15362 of 2023

M/s Maa Oil Movers (a Sole Proprietorship Firm) having its Registered Office at Nazirgunj Halder Para, P.O.- D.S. Lane, P.S- Sankrail, District- Howrah - 711109 (W.B.), through its authorized signatory Mr.Bablu Kumar, aged about 31 years, (M), S/o Rampravesh Sah, Village- Mosadpur, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. Superintendent of Police, Begusarai, District- Begusarai.
3. Officer In-Charge, P.S. Barauni Refinery, District- Begusarai.
4. Indian Oil Corporation Ltd., through Chairman having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai.
5. General Manager, (Contract Cell), Eastern Region Office, Regional Contract Cell, Indian Oil Bhawan, 2 Gariahat Road (South), Dhakuria, Kolkatta.
6. The Deputy General Manager, OICL, Barauni Terminal, District- Begusarai.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 15283 of 2023)

For the Petitioner/s : Mr. Anurag Saurav, Advocate
Mr. Abhinav Alok, Advocate
Mr. Abhishek Kumar, Advocate
Ms. Prity Kumari, Advocate

For the Respondent/s : Mr. Manish Kumar (GP-4)

(In Civil Writ Jurisdiction Case No. 15134 of 2023)

For the Petitioner/s : Mr. Anurag Saurav, Advocate
Mr. Abhinav Alok, Advocate
Mr. Abhishek Kumar, Advocate
Ms. Prity Kumari, Advocate

For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

(In Civil Writ Jurisdiction Case No. 15277 of 2023)

For the Petitioner/s : Mr. Anurag Saurav
Mr. Abhinav Alok, Advocate
Mr. Abhishek Kumar, Advocate
Ms. Prity Kumari, Advocate

For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

(In Civil Writ Jurisdiction Case No. 15291 of 2023)

For the Petitioner/s : Mr. Anurag Saurav, Advocate



	Mr. Abhinav Alok, Advocate
	Mr. Abhishek Kumar, Advocate
	Ms. Prity Kumari, Advocate
For the Respondent/s :	Mr. S. Raza Ahmad, AAG-5
	Mr. Alok Ranjan, AC to AAG-5
For the IOCL :	Mr. Ankit Katriar, Advocate
(In Civil Writ Jurisdiction Case No. 15362 of 2023)	
For the Petitioner/s :	Mr. Anurag Saurav, Advocate
	Mr. Abhinav Alok, Advocate
	Mr. Abhishek Kumar, Advocate
	Ms. Prity Kumari, Advocate
For the Respondent/s :	Mr. S. Raza Ahmad, AAG-5
	Mr. Alok Ranjan, AC to AAG-5
For the IOCL ;	Mr. Ankit Katriar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-02-2024

C.W.J.C. No. 15283 of 2023, C.W.J.C. No. 15134 of 2023,

and C.W.J.C. No. 15362 of 2023

The petitioners are concerned with their trucks not having been inspected despite the petitioners having brought the same to the premises where they were obliged to bring it to. The petitioners applied under a tender issued by the Indian Oil Corporation Limited (for brevity 'IOCL'). The contract, for which Tenders were invited, was for transport of bulk petroleum product in Tank Trucks. The bidders were obliged to proffer Tank Trucks for such transportation based on the stipulation in the Notice Inviting Tenders (NIT).

2. The petitioners submit that they were transporters who had bid as per the NIT and was successful. They were



issued with Letter of Acceptance (LOA) as seen from Annexure-5, produced in C.W.J.C. No. 15283 of 2023 and similar ones in the other writ petitions too. As per the LOA, the petitioners had to comply with three conditions which are as below:

- 1. To furnish required Security Deposit within 15 days of the date of issue of this LOA and execute the agreement as per tender terms.*
- 2. Physically place all the ready built TTs at the location for physical inspection with all licenses/documents for original verification within 30 days from the date of LOA.*
- 3. To complete registration in GeM Portal and to obtain Unique GeM Seller ID prior to placement of Work Order as per tender terms.*

3. The petitioners furnished the security deposit within 15 days. The bidders were also obliged to bring the truck within 30 days from the date of LOA. Annexure-5 LOA is dated 26.06.2023 as is the other LOAs also. All the petitioners submit that they brought the trucks, which they proffered as per the NIT on 25.7.2023 i.e., the last date and were issued with gate passes. It is alleged that the local truck owners had obstructed their entry into the premises of the IOCL at Barauni, Begusarai.

4. The petitioners approached the District Administration and the IOCL for removal of such obstruction.



The IOCL granted them five more days, however, even within that time the obstructions were not removed and hence the petitioners seek for further time to produce the trucks.

5. It is true that the petitioners had approached the police and the police had registered an FIR. If the police had not averted the obstructions, the petitioners ought to have approached this Court at the appropriate time. The petitioners slept over the matter and have approached this Court only on 19.10.2023 long after the date stipulated and the extended date for production of the trucks. As of now the other bidders' tenders have been accepted and none of them are impleaded in the writ petition.

6. Considering the totality of the circumstances, we are not inclined to entertain the writ petition. The writ petitions stand dismissed.

C.W.J.C.No. 15277 of 2023 and C.W.J.C.No. 15291 of 2023:

The petitioners are concerned with their trucks not having been inspected despite the petitioners having brought the same to the premises where they were obliged to bring it to. The petitioners are identically placed as the petitioners' whose writ petitions were dismissed. The only distinction is that the petitioners in the other writ petitions had produced a gate pass



issued to them on the last day stipulated for production of trucks which the petitioners were not issued with, admittedly. The case of the petitioners herein stand on a worse footing than the earlier dismissed writ petitions, since here they are not even able to substantiate the ground of production of trucks within the stipulated period. These writ petitions also stand dismissed on the same reasoning.

Ordered accordingly.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Adnan/Ravi

AFR/NAFR	
CAV DATE	
Uploading Date	13.02.2024
Transmission Date	

