

19.04.2024

Ct. no.654

Sl. Nos.7

SS

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)**

WPA 9642 of 2024

**Anjusree Saha
Vs.
Indian Oil Corporation Ltd. & Ors.**

Mr. Timir Baran Saha
..for the petitioner

Mr. Amit Kumar Nag
Mr. P. Banerjee
..for the IOCL

Affidavit of service filed on behalf of the petitioner is taken on record.

By the present writ petition the writ petitioner has prayed for cancellation of letter/order dated 24th February, 2024 of respondents-Indian Oil Corporation Limited (hereinafter referred to as the 'IOCL') holding the candidature of the petitioner for retail outlet at the advertised location to be ineligible.

The brief fact of the case is that the petitioner, on the basis of advertisement dated 18th July, 2023 of the respondents-IOCL published in *Ananda Bazar Patika* for appointment of retail outlet (petrol pump) dealership at Krishnanagar City, Krishnanagar, Nadia within 3 km. from Krishnanagar Bus Stand towards Ghurni on NH 312 (old SH 11) under open category, applied for appointment of retail outlet dealership on 22nd August, 2023. By letter dated 20th October, 2023 the petitioner was informed

that she has been provisionally selected by respondents-IOCL and was directed to remit Rs.50,000/- online towards initial security deposit and submit documents in terms of such letter. The petitioner duly complied with the same. By letter dated 14th December, 2023 the petitioner was informed that the Land Evaluation Committee (LEC) of the oil company would cause inspection of the offered site on 28th December, 2023 and accordingly inspection was conducted. Thereafter by letter dated 24th February, 2024 all of a sudden the respondents-IOCL informed the petitioner that the offered plot of land is not having minimum frontage, depth and area as per the advertisement and the candidature of the petitioner is found ineligible. Being aggrieved by such action of the respondents-IOCL, the petitioner has preferred the present writ petition for cancellation of the impugned letter dated 24th February, 2024 of respondents-IOCL.

Mr. Timir Baran Saha, learned Advocate for the petitioner submits that vide letter dated 20th October, 2023 the petitioner was provisionally selected for retail outlet dealership. As per the aforesaid letter, the candidature of the petitioner can only be rejected if the information provided by the candidate is found to be false/incorrect/ misrepresented effecting the eligibility. By letter dated 24th February, 2024, it was informed to the petitioner that her candidature has been found to be ineligible. However, nothing has been stated in the

aforementioned impugned letter under challenge that the information provided by the petitioner is false/incorrect/misrepresented. Since the petitioner has fulfilled the eligibility requirement so far as the frontage, depth and the area of the offered site is concerned, such letter holding the candidature of the petitioner as ineligible is perverse and liable to be set aside. He seeks for appropriate order for cancellation of impugned letter.

In reply to the contentions raised on behalf of the petitioner, Mr. Amit Kumar Nag, learned Advocate for the respondents-IOCL submits that as per the requirement of the advertisement the minimum frontage of the offered site should be 35 meters, minimum depth of the offered site should be 35 meters and the minimum area of the offered site should be 1225 Sq. meters. He produces the list of locations for retail outlet dealership in West Bengal in support of such requirement, which is taken on record. Copy served. He further submits that the petitioner in her application has stated that the frontage, depth and area of offered site is 35 meters, 35 meters and 1225 Sq. meters. respectively. Upon inspection by the Land Evaluation Committee (LEC) the dimension of the offered site was found to have frontage of 22 meters, depth of 18.89 meters and area of 286.41 Sq. meters. The affidavit/declaration by the owner of the offered land and the sketch map uploaded by the applicant of the offered land also shows that its frontage is 22 meters, depth is 21.03 meters and the area of the land is 269.5 Sq.

meters. Thus admittedly the dimensions of the offered site is much below the requirement. He files a compilation containing such report of Land Evaluation Committee (LEC), declaration of the land owner and sketch map of the offered site etc. which is taken on record. Copy served. The information provided by the petitioner in her application has been found to be incorrect upon inspection and thus, her candidature is liable to be rejected. Since the petitioner has failed to meet the eligibility criteria as per advertisement, the respondents-IOCL rightly issued the letter holding the candidature of the petitioner to be ineligible. Hence the impugned letter of the respondents-IOCL does not call for interference.

Having heard the learned Advocates for the respective parties, the only issue which is fallen for consideration is whether the respondents-IOCL was justified in issuing letter holding the candidature of the petitioner as ineligible.

At the outset on going through the application of the petitioner it is found that she has stated in column 13 with regard to dimension of land that frontage of the offered site is 35 meters, the depth of the offered site is 35 meters and the area of the offered site is 1225 Sq. meters. The report of the Land Evaluation Committee (LEC) shows that upon inspection the dimension of the frontage and the depth of the offered site was found to be 22 meters and 18.89 meters respectively and the area was 286.41 sq. meters. The requirement with regard to frontage,

depth and area of the offered site, as per the list of locations, in respect of the advertised location is as follows (i) the minimum frontage of the site should be 35 meters, (ii) minimum depth of the site should be 35 meters and (iii) the minimum area of the site should be 1225 Sq. meters. Thus, the dimension of the offered site of the petitioner so far as frontage, depth and the area is concerned, is much below the requirement as per advertisement. It is relevant to note from the report of the Land Evaluation Committee (LEC) that the enquiry was made in presence of the petitioner and she has put her signature in the inspection report as well as lay out map of the Land Evaluation Committee (LEC). The petitioner has also uploaded the lay out sketch map of the offered site as well as the declaration made by the land owner as per requirement of the application. Both such documents also show that the frontage, depth and the area does not meet the eligibility criteria and is less than the requirement. From the aforesaid materials it manifest that the information provided by the applicant in her application is incorrect with regard to the frontage, depth and area of the offered site, which is found upon inspection. Thus, the impugned letter dated 24th February, 2024 of the respondents-IOCL holding the candidature of the petitioner as ineligible, does not call for interference.

In light of the aforesaid discussion, the writ petition being **W.P.A. 9642 of 2024** stands dismissed.

All connected applications, if any, stand dismissed.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)