

20.06.2024

**Sl. No.8.
Ct. No.24.
s.g.**

WPA/15787/2024

**Ujjwal Kumar Santra
Vs.
Hindustan Petroleum Corporation Ltd. & ors.**

Mr. Joydeep Kar, Id. Sr. Advocate,
Mr. Pingal Bhattacharyya,
....for the petitioner.
Mr. Prasun Mukherjee,
Mr. Deepak Agarwal,
....for he HPCL.
Mr. Sabir Ahamed,
Mr. Abdur Rakib,
....for the respondent no.8.

Affidavit of service filed in Court today is taken on record.

The instant writ application is preferred by the present petitioner for issuing necessary direction upon the concerned authority (Oil Marketing Company) to rescind or quash the letter of intent or letter of appointment issued in favour of private respondent no.8 on some specific grounds.

The fact of the case goes to show that one advertisement was issued on 31st August, 2017 inviting application for LPG Distributorship at the location of Haripal under the P.S. Haripal. In draw of lot one person was selected thereafter he did not fulfill the criterion; accordingly his candidature was cancelled thereafter again on a draw of lot was held wherein Private respondent no.8 was selected one complaint was lodged against the said private respondent no.8 accordingly his candidature was cancelled.

Against such order of cancellation he moved before this Court by virtue of writ petition one Coordinate Bench of this Court has decided the issue and order for cancellation of candidature of respondent no.8 was set aside; against such order an appeal was preferred before Division Bench wherein the order of the Single Bench was turned down. Against which, respondent no.8 approached Hon'ble Apex Court. The Hon'ble Apex Court has affirmed the observation and findings of the Single Judge by setting aside the order of Division Bench. Thus, the candidature of the respondent no. 8 was revived.

The case of the present petitioner is that after the cancellation of the candidature of respondent no.8 one draw of lot was initiated by the respondent authority wherein the present petitioner was selected. However, as the Hon'ble Apex Court has passed an order in favour of respondent no.8 so the present petitioner was thrown out from the entire proceeding.

The present petitioner had made a representation before the concerned authority on 29th March, 2024 containing inter alia about the specification of the land offered by the private respondent no.8 is not according to the specification and also with a specific fact that there is no motorable road from the proposed place of godown to the public road as offered by the respondent no.8. It is the case of the present petitioner that the concerned authority did not consider the representation of the present petitioner and has proceeded to issue the letter of appointment in favour of the private respondent no.8. So he prayed for necessary

order so that candidature or letter of intent issued in favour of the respondent no.8 may be stayed or cancelled.

The respondent authority submits that one letter of intent was issued in favour of the private respondent no.8 on June 7, 2024. It is positive case of the learned Counsel appearing on behalf of the HPCL that before issuance of letter of intent entire procedure according to the brochure has been concluded by the said respondent. The field verification has been done twice and according to the field verification it appears that land offered by the respondent no.8 is within the specification of brochure. He further submits that allegation regarding the approach road/motorable from the proposed godown to the public road has also been taken care of by the authority and it has been directed in the said letter of intent that the weather motorable road has to be prepared by the private respondent no.8 within four months from the date of letter of intent. He further submits that the approach of the present writ petitioner before this Court is only for the intention to stall the entire proceedings thereby the entire purpose of the present respondent to provide service to the citizens according their requirement would be jeopardised.

Learned Counsel appearing on behalf of the respondent no.8 submits that the instant writ petition is not maintainable. He submits that issue regarding LPG Distributorship at the location Haripal under District Hooghly was advertised in the year 2017, the said issue was specifically deal with by the Single Bench of this

Court as well as Division Bench and ultimately the issue was decided by the Hon'ble Apex Court in favour of the private respondent no.8. He further submits that the preset petitioner has no locus standi to file the writ petitioner. He further submits that the present writ petitioner has procured the documents (the application of the private respondents) to file the writ petition. He further submits that the instant writ petition cannot be allowed.

Heard the learned Counsels; perused the copy of LOI and field verification report. It appears that the instant writ petitioner has approached this Court for issuance specific direction upon the respondent authority. He raised some questionable points regarding the specification of land and the approach road from the proposed godown as offered by the respondent no.8 which according to him is not a required specification as per notification.

The Hon'ble Apex Court in his observation has specifically made it clear that the issue of location has been decided but the other issues and requirements has not decided.

However, from the letter of intent it appears that respondent company has specifically dealt with the requirements as per notifications and after satisfied themselves, issued the letter of intent in favour of respondent no.8. The process is yet to be concluded. The concerned company has given four months time for preparation of all weather motorable approach road from the proposed godown to the public road.

Considering the entire aspect, I find no justification to entertain the writ petitioner at this stage. Accordingly the entire writ petition is disposed of and devoid of merit.

However, I make it clear that the concerned respondent shall verify the case of the respondent no.8 according to requirement of notification and according to the law before finally issuance of licence, keeping in mind about the allegations made by the petitioner before this Court. Any flaws on behalf of private respondent no.8 to comply the terms of notification or LOI shall disentitle him to obtain licence.

As, no affidavit is exchanged, the allegations made in the writ petition are deemed to have been not admitted.

Urgent Photostat copy, if applied for, be given to the parties expeditiously after complying all legal formalities.

(Subhendu Samanta, J.)