

25.6. 2024
item No.17
n.b.
ct. no. 24

WPA 19403 of 2022

Mukundra Mondal
Vs.
Union of India & Ors.

Mr. N. G. Sarkar,
Mr. Devranjan Das,
Ms. Aratrika Saha
.....for the petitioner.
Mr. Puspendu Chakraborty,
.... For the I.O.C.L.

A notification was issued by respondent authority for LPG distributorship at cited location on August 31, 2017. The present petitioner was selected as a successful candidate in a draw of lots. After complying all formalities, the letter of intent was issued in favour of the petitioner on June 3, 2019. However, it appears that the petitioner could not construct the godown on the cited location. Accordingly, two months extension was granted on the request of the petitioner for construction of the godown. The petitioner fail to obey the said extension. Accordingly, a show-cause notice was issued. In reply to the show-cause notice, the petitioner contended that due to heavy rain he could not complete the godown. During that period the Covid Pandemic started, accordingly the procedure of the commissioning became stalled. On March 2022, IOCL came to know that the godown has been demolished which was reported by the officials of the

IOCL after inspection of the site. Accordingly, explanation was sought for from the petitioner, a joint meeting was held to review the progress. In the said joint meeting, the petitioner sought for one months time to rebuild the godown and given an undertaking by way of an affidavit. In the month of June 2022, the petitioner sought for more one month accommodation for preparation of the godown. On June 10, 2022, the officer of IOCL visited the site and found that no progress have been made. Finally on July 9, 2022 if the officer again visited the spot and found no improvement. Accordingly, on August 4, 2022 the LOS was withdrawn.

Learned advocate for the petitioner submits that the petitioner is successful candidate and has spent huge amount of money for preparation of godown. The godown of the present petitioner was demolished by the concerned local authority. He submitted several application to the concerned authority for redress with no effect. The godown of the petitioner was not completed due to local activities of some anti-social in the help of the local Pradhan. It is the contention of the present petitioner that, he was prevented by the other reasons to construct the godown in time. However, now the petitioner is of positive stand that the godown has been prepared after spending of huge amount. At this juncture, if the licence is issued to any other person, he shall suffer irreparable loss of injury.

It is further submitted by the petitioner that he was a successful candidate and is entitled to the order of issuance of letter of intent; the order for withdrawal of letter of intent by the IOCL is required to be quashed.

Heard the learned advocates and perused the materials on record also perused the annexures therein. It appears that the petitioner was given sufficient opportunity to construct the godown. It further appears from the report of the State that initially there are some disturbance, but presently the godown of the petitioner was being constructed smoothly. However, the letter of intent was already cancelled by the IOCL.

Mr. Chakraborty, learned advocate appearing on behalf of the IOCL submits that the process of commissioning of LPG Distributorship was not progressed yet. No new draw of lots has been conducted; if the necessary direction is made, the IOCL may re-consider the proposal of the present petitioner.

The petitioner undertakes that the godown was prepared and completed in the cited location. So if inspection was held, the godown would be seen to be completed there.

Considering the entire aspect, the instant writ petition is disposed of with a direction to the present petitioner to make specific representation to the concerned respondent authority within two weeks from this date.

On such representation and after verification of the case of the petitioner if it is found to the concerned authority that the godown has been properly constructed according to the rules, the IOCL shall reconsider the proposal of the present petitioner and shall issue letter of intent in favour of the petitioner according to law. The procedure has to be completed within six weeks thereafter.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)