

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17613 of 2018

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Ravi Shankar Singh son of Late Ramapati Singh Resident of Village - Mundichak Gali, Patal Babu Road, Bhagalpur, Bihar, Pin Code - 812001.

... .. Petitioner/s

Versus

1. The Bharat Petroleum Corporation Limited Government of India Enterprises through its Managing Director, At Bharat Bhawan 4 and 6 Currimbhoy Road, Ballard Estate, Post Box No. 688, Mumbai 400001
2. The Regional Manager, Bharat Petroleum Corporation Limited, At Bharat Bhawan, 31/118 Prince Gulam Mahammad Shah Rd., Madav Tola Colony, Golf Green Kolkata West Bengal
3. The Territory Manager, Patna LPG Territory, Bharat Petroleum Corporation Limited, Village - Fatuha, Fatuha Industrial Estate, Fatuha, Patna
4. Md. A.B. Mallick, Asst. Manager LPG Sales, Biharsharif FVC Committee, Lachhmipur Chiraia, At Village Fatuha Fatuha Industrial Estate, Fatuha, Patna
5. Smt. Priyanka Singh W/o Bijay Shankar Singh R/o Vill - Durgapur, P.O. - Kamargam, P.S.- Sangrampur, District - Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Singh, Advocate
For the Respondent/s : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-08-2025

1. The petitioner has filed the instant application for the following reliefs:

“For issuance of Writ in the nature of Direction to the respondents to issue LOI (Letter of Intent) for awarding the LPG Distributorship of the Bharat Petroleum Corporation Limited (hereinafter referred as to the Corporation) for the area Laxmipur



Chiraiya, District-Banka under open category for the Gramin Area, quashing the Letter dated 13.07.2018 (contained in Annexure-5) by which the selection of the petitioner as Distributorship has been cancelled by the Respondent No.4, wrongly considered the same plot of land has been given by the other applicant namely Smt Priyanka Singh (Respondent No.5)."

2. The case of the petitioner, in brief, as culled out from the Writ petition is that the petitioner and thirteen other persons, including Respondent No.5/Smt. Priyanka Singh, had applied for a distributorship of LPG of the Bharat Petroleum Corporation Limited (BPCL) in Gramin Area of Laxmipur Chiraiya area of District Banka under open category pursuant to an advertisement dated 17.06.2017 and Unified Guidelines.

3. It is submitted that as per Clause 11 of the affidavit (Appendix-I to the guidelines), the same land cannot be offered by more than one applicant for construction of a godown or showroom. If so, the application is liable to be



rejected.

4. It is submitted by the Learned counsel for the petitioner that a registered lease deed dated 14.07.2017 was executed jointly in favour of the petitioner and Respondent No.5 by one Dharmendra Rai for one decimal of land (Plot No.1637/920, Khata No.416, Mauza-Laxmipur Chiraiya, P.S.-Amarpur, District-Banka), for a period of 15 years. Both the petitioner and Respondent No.5 had equal and distinct possession over their respective portions.

5. It is contended that respondent No.5 filed an affidavit (Appendix 4, dated 14.03.2018) showing her possession over her portion of the land, and the petitioner did likewise. It is further contended that from Annexure-3, it is evident that the respective portions of land shown by the petitioner and Respondent No.5 are not the same.

6. The Learned counsel for the petitioner submitted that Field Verification Credentials (FVC) conducted by the respondent-authorities confirmed that the land offered by the petitioner was



adequate. Based on a draw of lots held on 27.12.2017, the petitioner was declared successful vide letter dated 28.12.2017 (Ref No. BPCV03205066516072017) and was directed to deposit Rs. 40,000/-, which he did within the stipulated time.

7. It is further contended that despite fulfilling all the requirements, the respondent-authorities cancelled the petitioner's selection vide letter dated 13.07.2018, on the erroneous ground that the land offered by the petitioner and respondent No. 5 was one and the same. The petitioner was debarred while, respondent No.5 continued to be considered for future selection.

8. The Learned counsel for the petitioner contended that the cancellation was arbitrary and violative of his fundamental right conferred under Article 19(1)(g) as well as under Article 299 of the Constitution of India, and also contrary to the principles of fair procedure under Article 14.

9. The respondents Bharat Petroleum Corporation Limited filed a counter affidavit stating



therein that as per Clause 8(A)(i) of the Unified Guidelines 2017 for selection of LPG Distributors, *"the same piece of land for godown cannot be offered by more than one applicant for a particular location against the advertisement. In case it is found at any stage that the same piece of land for godown has been offered by more than one applicant for the same location of the advertisement, then all such applications would be rejected or if selection has been done, then the same would be cancelled."*

10. The Learned counsel for the respondent Corporation submitted that during Field Verification of Credentials (FVC) for the petitioner, it was found that the land offered by him for construction of LPG godown and showroom (Godown: Khata No.114/48, Khesra No.19/10 and for showroom-Khata No.416/81, Khesra No.1637/920 was also offered by respondent No.5, Smt. Priyanka Singh, for the same location—Lachhmipur Chiraia, Dist. Banka. Although the petitioner and respondent No.5 had jointly taken



the lease dated 14.07.2017 for the said land and the petitioner failed to submit any documentary proof of demarcation or separate possession of land. It is further submitted that the lease deed does not indicate any division between the lessees. It is further contended that the notarized affidavit (Appendix-4) submitted is required only, when the land is jointly owned and does not serve as proof of demarcation or separate possession. Therefore, the Corporation cannot accept the petitioner's claim of separate possession or title over distinct portions of the land.

11. The Learned counsel for the Corporation further submitted that the Field Verification Credentials, found the showroom plot dimensions as 8m x 5m, but no document was provided to verify the individual shares of the petitioner and the 5th respondent. Therefore, the land offered was considered common and unsuitable as per the guidelines. The petitioner was informed vide letter dated 18.07.2018 that his candidature was rejected. The security deposit of



Rs. 40,000/- paid by the petitioner, was forfeited as per Clause 26(b) of the guidelines. It is further contended that respondent No.5 was unsuccessful in the online draw of lots and was not asked to submit any document. However, she has also declared the same piece of land for both godown and showroom. Following the rejection of the petitioner's candidature, respondent No.5's name was also excluded from the list of eligible candidates for the next redraw, as communicated to her vide letter dated 24.08.2018. It is submitted that the rejection of the petitioner's candidature was strictly in accordance with the selection guidelines and is not contrary to the Constitution or any law.

12. In support of the case of the respondent Corporation, the Learned counsel has relied on the judgments of the Division Bench of this Court reported in **2012 (2) PLJR 783 (M/s Indian Oil Corporation Limited Vs. Raj Kumar Jha & ors)**, **2019(3) PLJR 1042 (The Indian Oil Corporation & Ors. Vs. The Rupesh Kumar**



Verma) and order passed in **LPA No. 925 of 2012 (Mukesh Pandey Vs. The Hindustan Petroleum Corporation & Ors.)**.

13. For better appreciation of the case, the observations made by the Hon'ble Division Bench in **Indian Oil Corporation Limited (supra)** are quoted hereinbelow:

“8. We are of the opinion that the Corporation being the State within the meaning of Article 12 of the Constitution is supposed to act fairly, reasonably and uniformly and has to be objective in its approach. Once the standard is set out in the advertisement, the Corporation has to adhere to the said standard without any variation. In case, the Corporation allows any alteration the same will amount to subjective approach which is frowned upon by the Courts time and again. To remain objective the Corporation is required to adhere to the standards mentioned in the advertisement. In the present case, it is not in dispute that the application made by the writ petitioner was not in conformation with the requirements mentioned in the advertisement. In our



opinion, the Corporation was justified in rejecting the application of the writ petitioner.

9. *The learned Single Judge ought not to have interfered with the decision of the Corporation which was taken in consonance with the terms and conditions contained in the advertisement. Besides; may be, in the present case it was a mere typographical error. However, there might be a case of mischief or misrepresentation also. It is difficult to draw a line where an error ends and a mischief or misrepresentation begins. The best way to avoid discrimination is strict adherence to the standards mentioned in the advertisement. For the aforesaid reasons we hold that the Corporation was justified in rejecting the application of the writ petitioner. The Appeal is allowed. The impugned judgment and order dated 28th January, 2010 passed by the learned Single Judge in CWJC No. 13196 of 2009 is set aside. CWJC No. 13196 is dismissed."*

14. Further the Hon'ble Division Bench of this Court in **The Indian Oil Corporation & Ors.**



(supra) has held as follows:

“We have considered the submissions raised and we find that the advertisement categorically prescribes that a candidate would be rendered ineligible if the information given amounts to withholding or concealing any fact or tendering of an incorrect information or a false information that would result in affecting the eligibility of the candidate. The three categories which have been specifically provided have, therefore, to be read as indicated therein and, in our considered opinion, any incorrect information would affect the eligibility of a candidate. In the instant case, it is admitted on record that the information given by the respondent-petitioner with regard to the plot of the land and khata number in the application form was an incorrect information and was, therefore, a wrong information. The plot number and the khata number was 123 and 356 respectively. This mistake was accepted by the respondent-petitioner himself when he tendered the rectification deed on 12th of June, 2018 long after the expiry of the last date of the application



form. There is a substantial variation in the number of khata and the plot that was subsequently tendered as Khata No. 300 with Plot No. 122 and the same, in our opinion, is not such an error which can be termed as a typographical error at least in the application form of the respondent-petitioner. The error may have occurred in the deed for which the respondent-petitioner is clearly responsible and this stands admitted by him in view of the rectification deed tendered later on. Consequently, the information as contained in the application form and the deed which was filed along with the same palpably gave an incorrect information with regard to the khata and the plot number. This therefore disentitled the respondent-petitioner from being treated as an eligible candidate. The conclusion drawn by the learned Single Judge bereft of these facts therefore cannot stand the scrutiny of law. Shri K. D. Chatterji, learned Senior Counsel for the appellants is, therefore, correct in his submission that the Division Bench Judgement as relied upon by the appellants in the case of Indian Oil



Corporation Ltd. v. Raj Kumar Jha (supra) squarely applies on the facts of the present case."

15. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

16. In light of the legal proposition laid down in the aforesaid judgments, this Court is of the considered view that once a standard is set out in the advertisement, the Corporation is bound to adhere to the said standard without any variation. In case, if the Corporation permits any alteration, it would amount to a subjective approach, which has been disapproved by the Courts from time and again.

17. Therefore, the petitioner cannot claim any right for consideration of her application. This Court finds no error or irregularity in order dated 13.07.2018 (Annexure-5) by which the candidature of the petitioner for the award of Distributorship was cancelled.

18. In view of the above discussion, the



Writ petition is liable to be dismissed.

19. In result, Writ petition is dismissed as devoid of merits.

20. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2025
Transmission Date	

