IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13003 of 2024

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M/s Gauri Shankar Indance Service Kuchaikote, District-Gopalganj through its Proprietor Ravi Pandey, Male, aged about 39 years, S/o Late Gauri Shankar Pandey, r/o Flat No. 201, Sindhu Nilay Apartment, Yaduvansh Path, Nageshwar Colony, P.S.-Buddha Colony, District-Patna.

... ... Petitioner/s

Versus

1. That State of Bihar through the Additional Director General of Police, Economic Offence Unit Home Dept Bihar, Patna.
2. Indian Oil Corporation Ltd. through the Executive Director (ED) Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Frazer Road, Patna.
3. The General Manager I/C (LPG) Indian Oil Corporation, Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Frazer Road, Patna-800001, P.s.-Kotwali, District-Patna.
4. The Dy. General Manager (LPG), Area Office, Patna under Bihar State Office, Indian Oil Corporation Ltd., Sahi Bhawan, Exhibition Road, P.S. Kotwali, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Adv.
For EOU	:	Mr. VNP Sinha, Sr. Adv.
	:	Mr. Vijay Anand, Adv.
For the Respondent/s	:	Mr. Dhurjathi Kr. Pd. Government Pleader 14

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT
Date : 07-05-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following relief(s):-

> *"(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the letter dated 07/03/2024 issued by the Executive Director and State Head, Bihar State Office, Indian Oil Corporation Limited, Bihar, Patna (hereinafter referred to as "IOCL"), by which the representation submitted by the petitioner with*

a request for recalling the termination of the petitioner distributorship has been rejected;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under IOCL to consider the case of the petitioner for restoration of the distributorship of Indane Gas Unit in its favour taking note of the fact that on the basis of the report submitted by the Forensic Science Laboratory, Bihar, Patna, it has transpired, in effect, that that there was a balance of Rs. 20,40,000/- in the concerned bank account on the basis of which the distributorship of LPG was allotted in favour of the petitioner and it was on account of subsequent forgery having been committed by persons with vested interests that the said amount was sought to be tampered with;

(iii) Issuance of a declaration holding that the petitioner is entitled for consideration of its case for restoration of the LPG distributorship in its favour in light of the new developments that have taken place clearly demonstrating that during the relevant time, there was sufficient money in the bank account of the applicant on the basis of which the distributorship in question had been awarded;

(iv) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case."

3. The brief facts which are necessary for disposing the present writ petition are that the respondent-Corporation had published an advertisement seeking applications from the eligible candidates for appointment of LPG Distributorship. That the father of the petitioner has applied under the freedom fighters quota and after due formalities, the father of the petitioner was informed that he has been selected for the distributorship. That on 30.10.2008,

the father of the petitioner deposited a security amount of Rs. 20,40,000/-. Thereafter, the father of the petitioner was passed away on 31.10.2008. That based on the application made by the petitioner seeking appointment as a distributor which was allotted in the name of his father, the authorities granted permission to the petitioner in place of application of his late father. As per the guidelines for transferring the Letter of Intent (LOI) to the legal heir. Thereafter, the petitioner has been allotted the distributorship and after due verification of the amounts deposited by the father of the petitioner in Siwan Central Cooperative Bank Limited, the authorities have issued the LOI in favour of the petitioner. That as per the terms and conditions of the LOI, the agreement initially would be for a period of five years and could be renewed for a further period of five years based on the Corporation satisfaction. The agreement between the petitioner and the respondent-Corporation was entered. That after the initial period of five years was over, the distributorship was again renewed for a further period of five years. That based on a complaint made by a former employee named Rajesh Pandey, the respondent-Corporation have issued the show cause notice to the petitioner wherein it was alleged that the father of the petitioner had submitted a fabricated bank statement and that the bank statement evidencing an amount of Rs. 20,40,000/- was not correct. Though the petitioner has approached this Hon'ble Court by way of CWJC seeking to quash the show cause notice, the same was disposed of directing the petitioner to submit his reply. That the petitioner has sent a detailed letter to the IOCL with the necessary material. Thereafter, the respondents terminated the contract of the petitioner with effect from 30.12.2019. The petitioner challenged the said termination vide CWJC No. 559 of 2020, however, the said CWJC was dismissed on 22.05.2020. Thereafter based on the material which was obtained by the petitioner under Right to Information Act, the petitioner had filed a Civil Review No. 79 of 2020 seeking review of the judgment passed in CWJC No. 559 of 2020 dated 22.05.2020. However, this Hon'ble Court dismissed the Civil Review No. 79 of 2020 on 22.09.2021. Thereafter, the petitioner has filed an LPA before this Hon'ble Court which was numbered as LPA No. 625 of 2021 challenging the original judgment dated 22.05.2020 passed in CWJC No. 559 of 2020. However, the LPA also stood dismissed by order dated 02.08.2022. Though, Civil Review was filed by the petitioner seeking review of the judgment passed in LPA No. 625 of 2021, the same stood dismissed. Thereafter, the petitioner has filed an SLP (Civil) No. 8336 of 2023 before the Hon'ble Supreme Court but the same was also dismissed. Thereafter, the petitioner has filed a formal complaint before the Special Vigilance Department of the State and an FIR was registered based on the petitioner's complaint and numbered as FIR No. 483 of 2023. That the ledger which was connected to the petitioner's Bank Account was sent to the Forensic Science Laboratory, Patna for examination and an expert report was submitted wherein it has been confirmed that the ledger showed an amount of Rs. 20,40,000/- and there was some tampering done.

4. Further, it is stated in the report that a paper was pasted over the details in one of the columns to tamper of the record. Though the petitioner has submitted a detailed representation before the authorities explaining the above tampering of the record and also said that there was substantial evidence to show that an amount of Rs. 20,40,000/- was deposited by the father of the petitioner and the same was verified by the authorities themselves before issuance of the LOI, the authorities have rejected the representation made by the petitioner on 07.03.2024. Aggrieved by the said rejection order dated 07.03.2024, the present writ petition has been filed.

5. Learned counsel for the petitioner has vehemently argued that the order of rejection passed by the authority on 07.03.2024 was without any application of mind and contrary to

the material that was available on record. That in spite of there being ample evidence to show that there was a tampering done in the Bank ledger and even as per the forensic report, it was evident that an amount of Rs. 20,40,000/- was deposited by the father of the petitioner, the authorities did not take the same into consideration and passed the order of rejection. Learned counsel has prayed that the rejection order dated 07.03.2024 passed without taking the new material on record is fresh cause of action and therefore, the earlier orders which were passed by this Hon'ble Court are not binding and will not operate as res judicata. Learned counsel has stated that in view of the subsequent events that have taken place, the present CWJC is maintainable. Learned counsel has relied on the judgment of the Hon'ble Supreme Court in the case of ***Mathura Prasad Bajoo Jaiswal and Ors. Vs. Dossibai N.B. Jeejeebhoy*** reported in ***1970(1) SCC 613.***

6. *Per contra*, the learned Senior Counsel Dr. K.N. Singh assisted by Mr. Sant Kumar Mishra, Adv. appearing on behalf of the respondent-Corporation has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner having failed to get any favourable orders in the earlier rounds of litigation, has come up with this new writ petition based on a false cause of action. That the alleged

cause of action projected by the petitioner is concocted for the purpose of this case. That the forensic report and the rejection order dated 07.03.2024 cannot be the basis for filing the present CWJC, more particularly in view of the earlier orders passed by this Court. That this Hon'ble Court duly taking into consideration the pleadings, the evidence and also calling for the original documents from the Bank has dismissed the case of the petitioner holding that the father of the petitioner has not deposited an amount of Rs. 20,40,000/- as claimed. Learned counsel has stated that the cause of action as alleged by the petitioner is only figment of imagination and merely because the FSL report is obtained, the same cannot be a basis for considering the case of the petitioner. Learned counsel has stated that the order of termination passed by the authorities has become final as the petitioner has lost all the way up to the Supreme Court and, therefore, the present writ petition is not maintainable. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

7. Admittedly as seen seen from the record, the petitioner in the earlier round of litigation has approached this Court by way of CWJC, LPA and thereafter, the Hon'ble Supreme Court by challenging the order of termination without any success. This Hon'ble Court after taking into consideration the various

material available on record and also calling for original record from the Bank has dismissed the case of the petitioner. Though it is strenuously contended by the learned counsel for the petitioner that the report of the FSL, Patna goes to show that there was some tampering done by some mischief monger and that there was an amount of Rs. 20,40,000/- to the credit of the account. It is to be noted that this Hon'ble Court while deciding the LPA No. 625 of 2021 has called for the original records from the Bank and after due verification of the same has held as under;

> *"In order to find out the truth, this Court called for original records and ledgers with respect to account of appellant/petitioner as maintained in the Bank and pursuant to which, the Branch Manager appeared and produced following documents:-*
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> *1. Deposit Voucher (Challan dated 11.02.2009 to 20.02.2009).*
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> *2. Ravi Pandey File (Photo Copy of Document).*
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> *3. Daily Scroll Register (Dt. 24.12.2008 to 06.03.2009).*
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> *4. SBI Cheque issued Register.*
>
> *5. Customer Signature Spacemen Card (A/c 14101 to 14150).*
>
> *6. A/c Opening Register.*
>
> *7.Savings Account Ledger Book No. 88.*
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> *All these documents were made available for perusal of not only all the learned counsel but also the petitioner/appellant who was present in Court.*
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> *The opening account register reveals that account No.14111 was opened on 11.02.2009 having Ledger Folio 88 / 224 in which Rs.50,000/- was deposited. Daily Scroll Register reveals that in account no.14111, on 11.02.2009 Rs.50,000/- on 12.02.2009, Rs.50,000/- and on 14.02.2009 Rs.50,000/- and Rs.40,000/- were deposited in the said account.*

From customer deposit voucher, in account No.14111, on 11.02.2009 Rs.50,000/-, on 12.02.2009 Rs.50,000/- , on 13.02.2009, Rs.50,000/- and on 14.02.2009, Rs. 50,000/- and Rs.40,000/- were deposited.

On 07.04.2009 by Cheque No.019577, Rs.2,39,500/- was withdrawn by appellant/petitioner and thereafter, there has been no transaction from said account.

In the saving account ledger Book No.88, at page no.224, half of the said page has been covered by pasting a blank ledger page, as such, entry made on such page is not visible and on the next page ,i.e., page no.225, name of appellant/petitioner and his account no.14111 with details of transaction, as referred above, is entered in which, on 14.02.2009, total balance in the account is Rs.2,40,000/- (Two lacs forty thousand) which indicates connivance of the bank officials facilitating appellant / petitioner in preparing forged and manipulated documents, on basis of which, appellant/petitioner misrepresented the IOCL and was placed at Sr. No.1 of the merit list.

On scrutiny and perusal of original documents and deposits made maintained under the different heads and ledgers, it is conclusively established that appellant/petitioner had deposited Rs.50,000/- as cash on 11.02.2009, 12.02.2009, 13.02.2009, 14.02.2009 and further Rs.40,000/- as cash on same day, i.e., 14.02.2009 and, as such, on 14.02.2009, the balance amount was Rs.2,40,000/- but by playing fraud, a certificate dated 14.02.2009 and certificate dated 09.03.2009 and passbook dated 14.02.2009 were manufactured/ created by the appellant/petitioner in perhaps collusion with the bank officials. Bank officials always made an effort that this forgery is never unearthed and when this Court asked to produce original documents, same was not produced on the pretext that original documents were misplaced , however, when the court asked the Chairman and Managing Director to produce the original documents or face the consequences, same were produced before this Court, which shows that bank officials were fully aware of the forgery committed by the appellant/petitioner and made every effort to cover said forgery."

8. It is pertinent to note that this finding of fact has become final and confirmed all the way up to the Hon'ble Supreme Court therefore, the contention of the petitioner that the FSL report subsequently obtained by the petitioner has to be taken into consideration for the purpose of restoring the distributorship for the petitioner is not correct. The FSL report cannot be the basis for reconsidering the case of the petitioner.

9. This Court in an unequivocal manner after due verification of the relevant records has held that the claim of the petitioner that his father had deposited an amount of Rs. 20,40,000/- is false one and rejected his claim. This finding of fact has become final and binding on the petitioner. The earlier judgments will operate as res judicata and the CWJC is liable to dismissed on this ground. The Judgment of the Hon'ble Supreme Court in the case of ***Mathura Prasad Bajoo Jaiswal and Ors. Vs. Dossibai N.B. Jeejeebhoy*** reported in ***1970(1) SCC 613*** relied by the petitioner is of no help as the same is distinguishable from the facts of the present case.

10. Having regard to the same, this Court does not find any merit in the present writ petition which warrants any interference by this Court, more particularly, in view of the earlier orders passed by this Court rejecting the claim of the petitioner

which have attained finality and confirmed up to the Hon'ble Supreme Court.

11. With the above direction, the present writ petition stands dismissed.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025.
Transmission Date	NA