

18.3. 2025
item No.45
n.b.
ct. no.24

WPA 2919 of 2025

**Pratima Paul
Vs.
Indian Oil Corporation Ltd. & Ors.**

Mr. Pingal Bhattacharyya,
Mr. Rajdeep Sinha,
..... for the petitioner.
Ms Sumitra Das,
.... For the respondents.

Petitioner is running a retail outlet Dealership of Indian Oil Corporation Ltd. namely, M/s. Mandakini Filling Station at village & P.O. Sreeampore, District. Purba Medinipur.

The petitioner was also appointed as transport contractor for carrying bulk bitumen and petroleum product under IOCL vide different work orders. It is the case of the petitioner that a huge amount of Rs. 5,17,059/- and interest accrued thereon was deducted from the petitioner's transport bill in respect of tank truck bearing registration number WB 29 8856 on account of FASTag toll. On query, the petitioner came to know that the report of the authority regarding the FASTag catchment of the tank truck bearing registration no. WB 29 8856 is not only erroneous but also absurd. He submits that in a same day and within one hour the FASTag toll report shows the tank truck bearing

registration no. WB 29 8856 has travelled more than one thousand kilometers within one hour. In the different state toll gate, the said tank truck was shown to be crossed in the different tolls in the same day, distances of the places is more than one thousand kilometers. The petitioner made several representation to the authority concerned but the authority has not replied any of the representation. Hence this writ petition.

Learned counsel appearing on behalf of the state respondent seeks accommodation to file affidavit-in-opposition.

It appears that the peculiar nature and fact of the instant matter requires verification of facts and evidences, thus, it is justified to relegate the matter before the competent authority, who shall deal with entire particulars of travel of truck tanker from one toll plaza to another toll plaza. The transport registrar of the concerned tank truck has to be verified on the issue. I think it necessary to hold that the concerned authority has taken a reasoned decision upon the representation of the petitioner.

It further appears that the petitioner has placed number of representations to the authority but the authority has not taken any decision yet.

Accordingly, the instant writ petition is disposed of directing the Divisional Retail Head(RS), Indian Oil Corporation Ltd., Haldia Division being the respondent

no.6 of this writ petition, to consider the writ petition and annexures thereof to be a representations, and disposed of the representations within six weeks from the date of communication of this order after giving appropriate opportunity of being heard to the petitioner including filing necessary document, if any. The decision of the authority shall be intimated to the petitioner within two weeks thereafter.

I make it clear that this has not entered into the merit of this matter, the appropriate authority to deal with the representations according to law.

Since no affidavits are exchanged between the parties, the allegation made in the writ petition shall be deemed to have been not admitted.

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

(Subhendu Samanta, J.)