

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
BENCH AT JAIPUR.

O R D E R

S. B. CIVIL WRIT PETITION No. 9691/2012.

M/s. Parshuram Fuels

Vs.

Indian Oil Corporation Limited & Ors.

Date of order : October 31, 2012.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Ashok Gaur, Senior Advocate with
Shri Ashwini Jain for the petitioner.
Shri Sudhanshu Kasliwal with
Ms. Sukriti Kasliwal for IOCL.

BY THE COURT: -

This writ petition is directed against the show cause notice dated 7/6/2012 as to why service agency of IOCL granted to the petitioner may not be cancelled.

This Court vide order dated 9/7/2012 stayed the operation of the show cause notice, which order was confirmed subsequently on 26/7/2012. Reason for which petitioner was treated ineligible is that his wife had agency of LOI holder of BPCL.

Counsel for respondent submits that the agreement was valid upto 30/11/2012 therefore respondents have to take steps in advance to issue fresh advertisement for making fresh allotment. If petitioner in response to the said advertisement, shall also be treated as eligible if his wife surrender LOI of BPCL.

Counsel for the petitioner submits that though Letter of Intent of BPCL was issued to his wife but she did not accept that offer and did not install

the petrol pump.

With that clarification, the petition is disposed of however, interim order passed by this court on 9/7/2012 is confirmed and shall remain co-terminus till the expiry of agency of petitioner.

Counsel for the respondent at this stage submitted that the advertisement dated 14/6/2012 (Ann.12) also included the Coco Sahkar Marg for petitioner was awarded the agency. It is contended that in order to save the time, petitioner be additionally required to submit application and respondents to proceed against on the basis of said application.

Petitioner has challenged the advertisement precisely for the reason that he was eligible yet he was not treated as eligible and his agency was sought to be terminated. This Court granted protection to the petitioner. Now, the respondents are proceeding on the basis of earlier advertisement dated 14/6/2012, which was impugned in this writ petition, respondents may be directed to allow the petitioner to also participate.

If the petitioner now submits an application with the respondents within a week from today, same shall be treated within time and respondents shall consider that application in response to the advertisement Ann.12 dated 14/6/2012 and also application of the petitioner be treated fresh selection in accordance with law.

(MOHAMMAD RAFIQ), J.

Anil /99

All corrections made in the judgment/order have been incorporated in the judgment/order being e-mailed

Anil Kumar Goyal
Sr. P. A. Cum JW