

GAHC010234982018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 7291/2018

1:RAJU KUMAR DAS
S/O NARENDRA NATH DAS
R/O WEST GEETANAGAR, P.O. BAMUNIMOIDAN,
UNDER GEETANAGAR POLICE STATION, IN THE DIST. OF KAMRUP (M),
GUWAHATI, ASSAM.

VERSUS

1:UNION OF INDIA AND 3 ORS.
REP. BY THE SECRETARY, MINISTRY OF PETROLEUM AND NATURAL GAS
SHASTRI BHAVAN,
NEW DELHI- 110001.

2:THE INDIAN OIL CORPORATION
REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR
P.O. DULIAJAN
DIST. DIBRUGARH
ASSAM
PIN -786602.

3:THE DIRECTOR
MARKETING
INDIAN OIL BHAVAN
G-9 ALI YAVAR JUNG MARG
BANDRA
MUMBAI.

4:THE CHIEF AREA MANAGER
INDIAN OIL AREA OFFICE
INDIAN OIL -AOD
EAST POINT TOWERS
THIRD FLOOR

BAMUNIMAIDAN
GUWAHATI
ASSAM
781020

Advocate for the Petitioner : MR D DAS

Advocate for the Respondent : SC, I O C

**BEFORE
HONOURABLE MR. JUSTICE UJJAL BHUYAN**

ORDER

Date : 31-05-2019

Heard Mr D Das, learned Senior Counsel, assisted by Mr M K Das, learned counsel for the petitioner and Mr P Bharadwaj, learned counsel for Indian Oil Corporation Limited (IOCL).

2. Petitioner is aggrieved by impugned notice dated 08.10.2018, issued by the IOCL for LPG distributorship in respect of the location at Gerjai Pam under Scheduled Caste (SC) category in the district of Nagaon and seeks a direction to the respondents to award him the distributorship.

3. Following advertisement by IOCL on 25.05.2018 for LPG distributorship in different locations of the State of Assam for various categories, such as, SC, ST, OBC, open etc., petitioner had applied for such distributorship at Gerjai Pam under Scheduled Caste (SC) category in the district of Nagaon.

4. By letter dated 31.07.2018, petitioner was informed by IOCL that he was the successful candidate in the draw of lots conducted on 30.07.2018 and requested him to make necessary deposit, which the petitioner made. However, petitioner found that subsequently impugned notice was issued by IOCL on 08.10.2018 for LPG distributorship at Gerjai Pam in the district of Nagaon under SC category.

5. Aggrieved, present writ petition has been filed.

6. This Court by order dated 10.10.2018 had issued notice and passed an interim order staying the subsequent notice dated 08.10.2018.

7. Parties have exchanged affidavits thereafter.

8. In their affidavit, IOCL has taken a ground that land offered by the petitioner was covered by a lease deed but the lease deed was not registered, rather it was notarized. Therefore, such notarized lease deed was not acceptable. Consequently, candidature of the petitioner was rejected on 26.09.2018, which was sent to

the petitioner under registered cover. However, referring to the guidelines issued by the IOCL Head Office on 24.10.2018, respondents have taken the stand that if the land offered by the selected candidate does not meet the eligibility conditions, a onetime option should be offered to the selected candidate to provide alternative land.

9. Learned counsel for the petitioner submits that petitioner will provide alternative land for the LPG distributorship and in this connection reliance has been placed on a recent decision of this Court dated 29.01.2019 passed in the case of ***Shahanaz Ahmed –Vs- IOCL*** [WP(C) No. 7157/2018]

10. Relevant portion of the decision in ***Shahanaz Ahmed (supra)*** is extracted hereunder:-

“As per Unified Guidelines for Selection of LPG Distributor (guidelines), land offered by a candidate for godown or establishment shall be subject to field verification, i.e., Field Verification of Credentials (FVC). Ownership of land for godown/showroom would mean having ownership title of the property or registered lease deed having minimum 15 years of valid lease period commencing on any date from the date of advertisement up-to the last date of submission of application. Additionally, applicants having registered lease deed commencing on any date prior to the date of advertisement will also be considered provided lease is valid for a minimum period of 15 years from the date of advertisement.

In the present case, petitioner had to offer alternate land because the original land offered by her along with her application was found to be inadequate by the respondents as not meeting the requirements of the guidelines. Thereafter, she was asked to offer alternate plot of land pursuant to which she offered alternate plot of land by way of a lease deed. Therefore, objection taken by the respondents that registered deed of lease was submitted after the last date of submission of application form which cannot be taken into consideration may not be an acceptable proposition. However, it may not be necessary to delve into this aspect of the matter any further in view of the stand taken by the respondents themselves that since petitioner has offered an alternate plot of land, her case may be considered subject to the condition that the alternate plot of land offered by the petitioner otherwise fulfills the eligibility conditions.

In that view of the matter, decision of the respondents to go for re-draw of lots for selection of candidate for LPG distributorship of IOCL at Barundanga in the district of Dhubri under open category is interfered with. Respondents are directed to consider the alternate plot of land offered by the petitioner and thereafter to take a final decision regarding award of LPG distributorship to her in respect of Barundanga location. This shall be done within a period of 8 weeks from the date of receipt of a certified copy of this order."

11. Mr Bharadwaj fairly submits that if alternative plot of land is offered by the petitioner, IOCL will have no objection to the same, subject of course to field verification.

12. In view of above, respondent Nos. 2 to 6, i.e., concerned authorities of IOCL are directed to allow the petitioner to submit alternative plot of land for the LPG distributorship at Gerjai Pam under SC category in the district of Nagaon. If such offer is made within a period of 30 days from today, respondent Nos. 2 to 6 shall consider the same and recall the notice dated 08.10.2018, inviting applications for LPG distributorship for the area concerned, i.e., Gerjai Pam under SC category.

13. This disposes of the writ petition.

JUDGE

Comparing Assistant