

GAHC010248712019



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

Case No. : WP(C)/7605/2019

SYED ALTAF HUSSAIN
S/O- AUWAR HUASSAIN @ SYED ANWAR HUSSAIN, R/O- VILL AND P.O-
PHUKANARHAT, P.S- PANIGAON, LAKHIMPUR, ASSAM, PIN- 787052

VERSUS

BHARAT PETROLEUM CORPORATION LTD. AND 2 ORS
A GOVT OF INDIA ENTERPRISE) HAVING ITS REGD OFFICE AT OFFICE
BHARAT BHVAN, 4 AND 6 CURRIMBHOY ROAD, BALLARD ESTATE,
MUMBAI, PIN- 400001 (REP. BY ITS CHAIRMAN CUM MD (CMD)

2:CHAIRMAN CUM MD
BPCL OFFICE BHARAT BHVAN
4 AND 6 CURRIMBHOY ROAD
BALLARD ESTATE
MUMBAI PIN- 400001

3:HEAD TERRITORY OFFICE (T M RETAIL)
GUWAHATI
1ST FLOOR
NEXIA PARK
GMCH ROAD
CHRISTIAN BASTI
GUWAHATI
ASSAM
PIN- 78100

Advocate for the Petitioner : MR. U K NAIR, MR P S DEKA,MR. A CHETRY,MR. M P SARMA

Advocate for the Respondent : MR. S S ROY, MR. S BORTHAKUR

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 30.09.2024

Heard Mr. M. P. Sarma, learned counsel for the petitioner and Mr. S. Borthakur, learned counsel for all the respondents.

2. The petitioner's case is that he had applied for dealership for regular/rural retail outlet dealership in open category, pursuant to the advertisement dated 25.11.2018, issued by the Bharat Petroleum Corporation Limited (BPCL, in short). As the respondents have rejected the petitioner's application, vide letter dated 05.03.2019, the petitioner has preferred this writ petition for setting aside the impugned letter dated 05.03.2019.

3. Mr. S. Borthakur, learned counsel for all the respondents has submitted letter dated 17.07.2019 issued by the BPCL that the retail outlet dealership, in terms of the advertisement dated 25.11.2018 in respect of the area in which the petitioner had applied for dealership, has been offered to one Mr. Raj Sekhar Gogoi, village Konwar Gaon, P.O.- Lakhimpur, District-Lakhimpur, Assam, vide letter of Intent dated 17.07.2019. He submits that the said Mr. Raj Sekhar Gogoi would have to be made a party respondent in the present case.

4. I have heard the learned counsels for the parties.

5. As the retail outlet dealership for North Lakhimpur town (on LHS within 2 KM of Malpani Chariali Towards Majuli on K.B. Road), has been awarded to Mr. Raj Sekhar Gogoi, which is the area applied for by the petitioner and as the said person has not been made a party to the writ petition, this Court is of the view

that the writ petition cannot be decided without him being made a party respondent.

6. Accordingly, the writ petition is dismissed, for non-joinder of necessary party, i.e. Mr. Raj Sekhar Gogoi, with liberty being given to the petitioner to file the same afresh, by impleading Mr. Raj Shekhar Gogoi as a respondent.

JUDGE

Comparing Assistant