



Serial No.01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.86/2024 with
MC (WA) No.94/2024

Date of Order: 31.01.2025

Bharat Petroleum Corporation Ltd., 12/E&F, Market Towers, Cuffe Parade, Post Box No.19949, Mumbai-400005, having its Territory Office at Holding No.253, Ward No.2, Lower Lachumiere, Shillong, Meghalaya represented by its Territory Manager. Appellant

Vs.

1. Union of India, represented by the Ministry of Petroleum and Natural Gas, Government of India, New Delhi.

2. Shri Danialking Marwein. Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner	: Mr. K. Paul, Sr.Adv with Mr. S. Jindal, Adv
For the Respondents	: Mr. R. Debnath, CGC None for R/2

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| i) | Whether approved for reporting in Law journals etc.: | Yes |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.



JUDGMENT: (per the Hon’ble, the Chief Justice) (Oral)

On an earlier occasion when this appeal came up for consideration, the respondent/writ petitioner was not represented in Court. We had passed directions upon the appellant’s Advocate-on-Record to notice him, which has been duly done. Even today none represents him.

The appellant is aggrieved by a judgment and order dated 2nd December, 2024 passed by a learned Single Judge of this Court.

The principal appellant aggrieved by the order is the appellant No.1 Bharat Petroleum Corporation Limited. By the impugned judgment and order “appropriate disciplinary action be instituted against the Officers concerned who are responsible for misleading this Court” has been directed against the appellant together with imposition of cost of Rs.1 lakh.

The subject-matter of the writ petition and appeal is the Retail Outlet dealership in the State of Meghalaya on the road connecting Rambrai and Kyrsai, West Khasi Hills.

Mr. K. Paul, learned senior Advocate appearing for the appellant has very strenuously placed the following facts before us to support his argument that this judgment and order ought not to have been passed.

Consideration of the tenders for allotment of this Retail Outlet had started some time in or about early January, 2024.

On 6th January, 2024, the appellant had written a letter to the respondent/writ petitioner that his application was defective for



discrepancy in certain documents submitted by him, namely, “mismatch in PAN card number mentioned in application form (BYJPD0795F) with the one that is uploaded (BJYPD0795F)”. On 15th January, 2024, the respondent/writ petitioner replied that the above mistake was not deliberate on his part but a “typo error”.

On 22nd February, 2024, Shri Lumborlang Wanswett was declared the successful bidder on a draw of lots, subject to some routine verification and formal award of the dealership.

On 19th March, 2024, the respondent/writ petitioner filed the writ petition (W.P. (C) No.74 of 2024 first writ petition) challenging non-consideration of his above representation by the appellant. It appears from the records that his representation was rejected by the appellant on 16th March, 2024. Because of this, the respondent/writ petitioner withdrew the first writ petition on 12th April, 2024.

Learned single judge has taken exception to this conduct of the appellant remarking that they did not “disclose the fact that the RO dealership had already been settled with another party on 22nd February, 2024”.

Principally on this basis, the learned single judge directed disciplinary proceedings against the officers of the appellant.

Learned senior counsel urges the following points before us.

Shri Lumborlang Wanswett was declared as the successful bidder in a regular tender evaluation process. There was no question of any private treaty or settlement between the appellant and the successful bidder. The representation of the respondent/writ petitioner was



concerning a short issue regarding supply of an erroneous PAN card number and had been dealt with accordingly.

A formal order is yet to be issued in favour of the successful bidder.

There was no intent on the part of any officers of the appellant to overreach the Court, learned counsel submitted.

According to us, the mistake which the concerned officers of the appellant made was not to apprise the officers dealing with the defect in the number of the PAN card that the contract had more or less been awarded in favour of another party and that the exercise about correction of the PAN card number in the PAN card had become redundant.

We are sitting as a court of appeal. We do not have access to all the records of the case. It is to be ascertained from the records whether the drawing of lots was hastened, pending the PAN card issue to defeat the claim of the respondent/writ petitioner or whether the acceptance of the bid of Shri Lumborlang Wanswett was backdated. These are relevant facts not gone into by the learned single judge and if proved or disproved would point towards the conduct of the officers of the appellant. Moreover, the respondent/writ petitioner is not appearing.

Prima facie on the available facts we do not find that there is any irregularity or misconduct committed by any of the officers of the appellant.

In those circumstances, there is no warrant right at the moment to initiate disciplinary proceedings. We direct the competent authority in the appellant/company to initiate a detailed preliminary inquiry with



regard to this tender, on the basis of our observation above and if it is found that any officer or officers have indulged in irregularity or misconduct, then only disciplinary proceedings are to be initiated against him or them. It is not to be initiated if it is found that there has been a bona fide error of judgment or mistaken notion about some state of facts but the officer has acted honestly in discharge of his duty. Any benefit of doubt is to be given to the officers.

The award of cost is set aside in the impugned order. We dispose of this appeal by modifying the impugned judgment and order to the above extent.

MC (WA) No.94 of 2024 is also disposed of by this judgment and order.

All interim orders are superseded by this order.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
31.01.2025
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