

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1039 of 2024

In
Civil Writ Jurisdiction Case No.1241 of 2021

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Deepak Kumar Singh son of Ramchandra Singh, Pachrukhi Tola, Khoyer, P.S. Babubarki, District - Madhubani

... .. Appellant/s

Versus

1. Bharat Petroleum Corporation Limited, 12/E and F, Maker Towers, Cuffe Parade, Post Box No. 19949, Mumbai-400005
2. Head of Territory Manager, Bharat Petroleum Corporation Limited, Retail Muzaffarpur POL Depot, Near Narayanpur Anant Railway Station, Muzaffarpur
3. Regional Manager, Bharat Petroleum Corporation Limited, Retail Muzaffarpur POL Depot, Near Narayanpur Anant Railway Station, Muzaffarpur
4. Area Sales Manager, Bharat Petroleum Corporation Limited, Retail Muzaffarpur POL Depot, Near Narayanpur Anant Railway Station, Muzaffarpur
5. The Chief Divisional Manager, Bharat Petroleum Corporation Limited, Exhibition Road, Patna, Bihar- 800001
6. Kumari Nikita Singh wife of Ratneshwar Kumar resident of Village and P.O. Teghara, P.S. Babubarhi, District- Madhubani

... .. Respondent/s

with

Letters Patent Appeal No. 1191 of 2024

In
Civil Writ Jurisdiction Case No.1241 of 2021

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Bharat Petroleum Corporation Limited through its Territory Manager (Retail), Muzaffarpur POL Depot, Village- Sherpur, NH- 28, Near Narayanpur Anant Railway Station, P.O.- MIC Bela, District- Muzaffarpur- 842005.

... .. Appellant/s

Versus

1. Kumari Nikita Singh Wife of Ratneshwar Kumar Resident of Village and P.O.-Teghara, P.S.-Babubarhi, District- Madhubani.
2. Deepak Kumar Singh, Son of Ramchandra Singh Resident of Ward No.- 13, Village- Khoir, P.S.- Pachrukhi, P.O.- Ramnipatti, District- Madhubani, Pin- 847224.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 1039 of 2024)



For the Appellant/s : Mr. P. N. Shahi, Senior Advocate
Mr. Rudrank Shivam Singh, Advocate
For the Respondent/s : Mr. Siddhartha Prasad, Advocate
(In Letters Patent Appeal No. 1191 of 2024)
For the Appellant/s : Mr. P.K. Shahi, Senior Advocate
Mr. Siddhartha Prasad, Advocate
Mr. Om Prakash Kumar, Advocate
For the Respondent/s : Mr. Y.V. Giri, Senior Advocate
Mr. Pranav Kumar, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 29-07-2025

L.P.A. No.1191 of 2024

The present appeals arise out of oral judgment dated 29.07.2024 rendered by the learned Single Judge in CWJC No.1241 of 2021 by which the learned Single Judge allowed the writ petition filed by respondent Kumari Nikita Singh (Respondent No.1 in LPA No.1191 of 2024) and thereby the learned Single Judge set aside the order dated 03.12.2019 passed by the appellant Bharat Petroleum Corporation Limited (hereinafter referred to as 'the BPCL')) and direction has been given to process the application of the original petitioner.

2. As the order impugned in both the appeals is common, learned Advocates appearing for the parties jointly requested that both these appeals be heard together and be disposed of by common order.

Factual Matrix



3. Factual matrix of the present case is as under:-

3.1. One Kumari Nikita Singh (original petitioner) filed the captioned writ petition being CWJC No.1241 of 2021 in which the petitioner prayed for quashing and setting aside the letter/order dated 03.12.2019, passed by Territorial Manager Retail, Muzaffarpur whereby the candidature of the petitioner was cancelled. The petitioner also prayed that this Court may declare and hold that the land/plot offered by the petitioner for Retail Outlet dealership within 2 km. from Barail Chowk towards Donwari Hatt on Madhubani Babubarhi Khutona Path, District Madhubani under open category through application form submitted by the petitioner is not offered by another applicant for the same location and the said land exclusively has been offered by the petitioner for the location.

3.2. It is the case of the petitioner in the writ petition that the BPCL came out with an advertisement dated 25.11.2018 under open category inviting application for award of Retail Outlet dealership within 2 km. from Barail Chowk towards Donwari Hatt on Madhubani Babubarhi Khutona Path, District Madhubani with certain conditions and eligibility criteria. It is stated that the petitioner being interested,



submitted her application under open category for allotment of the Retail Outlet dealership of petrol pump. The said application was submitted on 23.12.2018. It is the case of the petitioner that all the necessary details, as required in terms of the advertisement published, have been furnished by the petitioner. The petitioner thereafter downloaded the entire Brochure on “guidelines on selection of dealers for regular and rural retail outlets through draw of lots/bidding process”.

3.3. It is further stated that draw of lots for dealership in question was conducted on 26.07.2019 in which the petitioner was declared as a selected candidate through draw of lots for Retail Outlet dealership. After the petitioner was declared as a successful candidate in the draw of lots, direction was given to the petitioner through letter dated 29.07.2019 to remit Rs.40,000/- towards initial security deposit along with set of documents within the stipulated time. Necessary formalities were also completed thereafter.

3.4. It is the case of the petitioner that thereafter on 26.09.2019, the field verification of credentials was fixed. It is further the case of the petitioner that on the very same day, i.e., 26.09.2019, other candidate, namely, Manisha Kumari, who had also applied for award of dealership against the same



location, has withdrawn her candidature due to the reason that her sister-in-law has been selected in draw of lots.

3.5. Now, it is the grievance of the petitioner that letter dated 03.12.2019 was received by the petitioner whereby she was informed that her candidature for award of RO dealership was cancelled for the reason that the plot offered by the petitioner was also offered by another applicant for the same location.

3.6. The petitioner, therefore, filed the captioned writ petition.

3.7. The learned Single Judge by the impugned judgment dated 29.07.2024 allowed the writ petition and thereby directed the BPCL to process the application of the petitioner and grant her the letter of intent, if she is otherwise eligible. At this stage, it is pertinent to note that appellant of LPA No.1039 of 2024 was original respondent no.6 before the learned Single Judge. As per the case of the original respondents/appellants, after the candidature of the petitioner has been cancelled, the RO dealership was granted in favour of respondent no.6/appellant of LPA No.1039 of 2024. Therefore, the original respondent no.6 has also filed separate appeal being LPA No.1039 of 2024 challenging the very same



judgment passed by the learned Single Judge.

4. Heard Mr. P.K. Shahi, learned Senior Advocate assisted by Mr. Siddhartha Prasad for the appellant/petitioner and Mr. Y.V. Giri, learned Senior Advocate assisted by Mr. Pranav Kumar for the respondents.

Submissions on behalf of the parties

5. Mr. P.K. Shahi, learned Senior Advocate appearing for the appellant BPCL referred the application form of the original petitioner, copy of which is placed at page 19 of the compilation. It is submitted that the petitioner provided details of the land bearing Khata No.159, 79 Khesra No. 1982 and 1984 for allotment of RO dealership. Learned Senior Advocate referred Clause 15(m) of the undertaking given by the applicant. Learned Senior Counsel also referred the declaration given by the appellant/petitioner. At this stage, learned senior counsel would also refer the document produced at Annexure-8A of the compilation, i.e., application form submitted by one Manisha Kumari, sister-in-law of the petitioner. It is submitted that the said Manisha Kumari has also offered the same plot of land having Khesra No.1985, 1986, 1981, 1982 and 1984. Thus, the other applicant has also offered the same land bearing Khesra No.1982 and 1984,



which is not permissible as per Clause 15m of the undertaking given by the petitioner. Thus, same plot of land was offered by the petitioner as well as her sister-in-law, i.e., Manisha Kumari. It is submitted that, as per Clause 15(m), the candidature for RO dealership can be rejected/dealership can be terminated.

6. Learned Senior Advocate would further contend that during the field verification carried out on 26.09.2019, the aforesaid aspect was noticed by the concerned officer of the BPCL and, therefore, by order dated 03.12.2019, the candidature of the petitioner has been rejected. It is further submitted that thereafter on 23.11.2020, letter of intent has been issued in favour of the original Respondent No.6 and thereafter the petitioner filed the petition on 28.11.2020. Learned Senior Counsel, therefore, urged that the petitioner has filed the present petition after a period of one year from the date of rejection of her candidature.

7. Mr. Shahi, learned Senior Advocate would further submit that the contention taken by the petitioner before the learned Single Judge with regard to providing opportunity of being heard and/or issuance of notice is misconceived. Learned Senior Advocate submitted that the learned Single Judge has committed a grave error by observing



that the authority did not verify as to whether the land offered by the petitioner and Manisha Kumari is one and the same and passed the order without issuing any show cause notice. Learned Senior Counsel, therefore, urged that the impugned order passed by the learned Single Judge be set aside.

8. Mr. P.K. Shahi, learned Senior Advocate appearing on behalf of the BPCL has placed reliance upon the decision rendered by a Division Bench of Allahabad High Court in the case of **Kiran Rai vs Indian Oil Corporation Limited (Writ – C No. - 15100 of 2024)** and, more particularly, referred paragraph Nos. 13 to 17 of the said order.

9. Mr. P.N. Shahi, learned Senior Advocate appearing for the appellant in LPA No.1039 of 2024 has also adopted the submissions canvassed by learned Senior Advocate, Mr. P.K. Shahi. However, Mr. P.N. Shahi, learned Senior Advocate further submits that letter of intent was issued by the BPCL in favour of the appellant/original Respondent No.6 on 23.11.2020 and thereafter the said appellant has made huge investment in the land offered by him. It has been pointed out from the counter affidavit filed by the said appellant (original Respondent No.6 before the learned Single Judge) in paragraph-15 that the same plot of land was also offered by



another person, i.e., husband of Manisha Kumari to BPCL for allotment of RO dealership. The said aspect has not been specifically denied by the petitioner by filing rejoinder. Learned Senior Advocate, therefore, urged that the same plot of land has been offered by three different persons of the family for allotment of RO dealership, which is not permissible as per the policy of BPCL. Learned Senior Counsel, therefore, urged that BPCL has not committed any illegality while cancelling the allotment made in favour of the petitioner and thereafter by issuing LOI in favour of the said appellant after a period of one year. Learned Senior Counsel, therefore, urged that the learned Single Judge has committed error while allowing the petition and permitting the said appellant to file a civil suit for compensation. Learned Senior Counsel, therefore, urged that the impugned judgment passed by the learned Single Judge be set aside.

10. On the other hand, learned Senior Advocate, Mr. Y.V. Giri has vehemently opposed both these appeals. It is mainly contended that the learned Single Judge has not committed any error while passing the impugned judgment and the view taken by the learned Single Judge is one of the possible views and, therefore, the said view may not be



interfered with in the present Letters Patent Appeals. Mr. Giri, learned Senior Advocate would thereafter contend that the original petitioner as well as Manisha Kumari, her sister-in-law, have offered two separate parcels of land from same plots, despite which, the BPCL has cancelled the allotment issued in favour of the petitioner without issuance of the show-cause notice and thereby the BPCL has violated the principles of natural justice and the said decision can be termed as 'arbitrary'. It is contended that had the opportunity of being heard been given to the petitioner, the petitioner could have submitted reply/given explanation with regard to two different parcels of land from the same plot of land. Learned Senior Advocate has referred the document produced at page 73 of the compilation in support of his submissions that both the persons have offered two different parcels of land.

11. Mr. Giri, the learned Senior Advocate has placed reliance upon the decision rendered by the Hon'ble Supreme Court in the case of **Swadeshi Cotton Mills v. Union of India, reported in (1981) 1 SCC 664**. Mr. Giri, learned Senior Counsel has also referred the order passed by this Court while issuing notice in the petition. It is submitted that the Division Bench has specifically observed that pursuant to the



issuance of LOI, any action taken during pendency of the writ petition shall be subject to outcome of the petition. Therefore, it is not open for the private respondent, i.e., the appellant of LPA No.1039 of 2024, to contend that he has made huge investment after the LOI has been issued in his favour. Learned Senior Counsel, therefore, urged that both these appeals be dismissed.

Discussion

12. Having heard learned Senior Advocates appearing for the parties and having gone through the materials placed on record, it would emerge that the BPCL came out with an advertisement dated 25.11.2018 under open category inviting application for award of Retail Outlet dealership in district Madhubani for the area referred in the said advertisement. The said advertisement was containing certain conditions and eligibility criteria. The petitioner submitted her application on 23.12.2018 in which the petitioner offered plot of land bearing Khesra No.1982, 1984 for allotment of Retail Outlet dealership for the location in question. It further transpires that the petitioner was declared as a selected candidate through draw of lots and, therefore, direction was given to the petitioner through letter dated 29.07.2019 to remit



Rs.40,000/- towards initial security deposit along with set of documents within the stipulated time.

13. It further transpires that on 26.09.2019, field verification of credentials was fixed and during the field verification, it is revealed that the plots offered by the petitioner are also offered by another applicant for the same location and, therefore, as per the affidavit given by the petitioner, as per Appendix XA and also as per the undertaking of the petitioner mentioned in the application, it was decided to cancel the candidature of the petitioner. Accordingly, by communication/order dated 03.12.2019, the said aspect was informed to the petitioner and the candidature of the petitioner was cancelled.

14. At this stage, it is pertinent to note that one Manisha Kumari, sister-in-law of the petitioner, has also offered the same plots of land bearing Khesra No.1981, 1982, 1984, 1985 and 1986. Thus, from the record, it transpires that other applicant has also offered same plots of land bearing Khesra No.1982 and 1984 for allotment of RO dealership in question. From the averments made by the petitioner in the petition itself, it is revealed that one Manisha Kumari, sister-in-law of the petitioner, has also applied for award of Retail



Outlet dealership against the same location. However, on 26.09.2019 itself, she has withdrawn her candidature due to the reason that her sister-in-law has been selected in draw of lots. In paragraph-11 of the memo of petition, the petitioner has stated as under:

“That it is relevant to mention here that through letter dated 26.09.2019 the other candidate namely Manisha Kumari who has also applied for award of dealership against the same location bearing application no.15455618069648 has withdrawn her candidature due to the reason the sister in law has been selected in draw of lots and therefore the other candidature namely Manisha Kumari requested for cancellation of her candidature. Further assured that in future also she will not raise any claim with regard to the candidature.”

15. It is pertinent to note at this stage that though the candidature of the petitioner was cancelled vide order dated 03.12.2019, the captioned petition was filed in November, 2020, i.e., after a period of approximately one year. In the meantime, on 23.11.2020, letter of intent was issued in favour of the appellant of LPA No.1039 of 2024.

16. At this stage, we would like to refer Clause 15(m) of undertaking given by the applicant as well as the declaration given by the petitioner.

16.1. Clause 15(m) of undertaking given by the



applicant reads as under:

“15m. I am also aware that the same land cannot be offered by more than one applicant for a particular RO location against the same advertisement. In case it is found that the same piece of land as offered by me has been offered by other applicant(s) for this location then my candidature for RO dealership will be rejected/Dealership terminated, if already appointed.”

16.2. Declaration given by the petitioner reads as under:

“I, KUMARI NIKITA SINGH wife of Shri RATNESHWAR KUMAR hereby confirm that the information given above is true and correct. Any wrong information/ misrepresentation/ suppression of facts will make me ineligible for this RO dealership. That if any information/declaration given by me in my application or in any document submitted by me in support of application for the award of the RO dealership shall be found to be untrue or incorrect or false, the Bharat Petroleum Corporation Ltd would be within its rights to withdraw the letter of intent/terminate the dealership (if already appointed) and that I would have no claim, whatsoever, against the Corporation for such withdrawal/termination.”

17. Thus, from Clause 15(m) of the undertaking given by the petitioner, it cannot be said that the petitioner was not aware that the same land cannot be offered by more



applicants for a particular RO location against the same advertisement. Further, in case it is found that the same piece of land, as offered by the petitioner, has been offered by other applicant for the said location, then the candidature for RO dealership will be rejected/dealership terminated, if already appointed. Further, by declaration, the petitioner has confirmed that the information given by her in the application form is true and correct. Further, any wrong/misrepresentation/suppression of facts will make the petitioner ineligible for the said RO dealership. Further, the BPCL would be within its right to withdraw the letter of intent/terminate the dealership and the petitioner would have no claim, whatsoever, against the BPCL for such withdrawal/termination.

18. We are of the view that when the petitioner as well as another candidate, namely, Manisha Kumari, sister-in-law of the petitioner, both have offered same plots of land bearing Khesra No.1982 and 1984, BPCL was justified in cancelling the candidature of the petitioner.

19. So far as the contention taken by Mr. Y.V. Giri, learned Senior Advocate appearing for the original petitioner is concerned, it has been argued that plots of land offered by the petitioner as well as Manisha Kumari are different and in



support of the same he has referred the document produced at page 73 of the compilation, however, we are of the view that the aforesaid document can be termed as nothing but an after thought. Even otherwise, from the application forms submitted by the petitioner as well as one Manisha Kumari, copy of which have been placed at page 20 and 33 of the compilation respectively, it can be said that the petitioner as well as another applicant have offered the same plots of land. Now, it is the contention of the learned Senior Counsel for the original petitioner that the BPCL did not give opportunity of being heard to the petitioner before cancelling the candidature and thereby violated the principles of natural justice. Had the opportunity of hearing been given to the petitioner, the petitioner could have pointed out the relevant aspect. We are of the view that the aforesaid contention is also misconceived. As per the application forms submitted by the petitioner as well as her sister-in-law, Manisha Kumari, when the same plots of land have been offered for RO dealership, the BPCL was justified in cancelling the candidature as per terms 15(m) and declaration given by the petitioner. In the facts of the present case, it cannot be said that the original respondent BPCL has violated the principles of natural justice, as alleged. At this



stage, it is also pertinent to observe that the petitioner herself has stated in paragraph-11 of the memo of petition that on the date of field verification, i.e., on 26.09.2019, her sister-in-law, Manisha Kumari had withdrawn her candidature as the petitioner has been selected in draw of lots. Thus, from the aforesaid conduct of the sister-in-law of the petitioner, i.e., Manisha Kumari, it can be said that the petitioner as well as Manisha Kumari were aware about the aspect of offering same plots of land for RO dealership, otherwise, there was no reason for Manisha Kumari to withdraw her candidature.

20. In similar type of case, i.e., in the case of **Kiran Rai** (supra), the Division Bench of Allahabad High Court has observed in paragraph nos.13 to 17 as under:-

“13. Insofar as the present facts are concerned, it is not the case of the petitioner that the plot no. 965 (entire) was in the exclusive ownership of the Mahendra Singh. The petitioner admits that there were co-sharers in that plot along with Mahendra Singh. At the same time, the Brochure required lease deed to be executed by all co-sharers of the plot being offered for allotment. Also, there can be no dispute to the fact that the above eligibility condition was to be met on the date of application i.e. 25.9.2023. Therefore, the rights of Mahendra Singh in plot no. 965, are to be seen on the date of filing of the application dated 25.9.2023, only. Subsequent developments or change of circumstances would have no bearing



on the rights being claimed by the petitioner. In any case, they may not alter the eligibility requirement that has been enforced under the Brochure.

14. Tested on that principle, while the petitioner claims existence of a compromise reached prior to the eligibility date 25.9.2023 as acknowledged in the order dated 11.2.2023 passed by Assistant Consolidation Officer, at the same time, it is the own case of the petitioner that the said order was erroneous to the extent it failed to fully recognize the compromise in entirety and it failed to recognize the partition by metes and bounds that had taken place between the parties to that dispute. Therefore, the petitioner appealed against that order before Settlement Officer, Consolidation and was successful in that appeal to the extent the Settlement Officer, Consolidation vide his order dated 20.12.2023 clearly provided for preparation of the 'Kurra' in terms of settlement/compromise reached between the parties, both as to the shares as also to the exact allocation of the apportioned shares.

15. Though the said order dated 20.12.2023 may relate back inter parties (to the dispute before the Consolidation authorities), and no other right may be claimed by the co-sharers, yet, IOCL was a stranger to that dispute. It may not have acted upon it. It could only recognize the rights of the parties as were seen to exist i.e. were adjudicated on the date of the application i.e. 25.9.2023. What transpired thereafter may not alter the status of eligibility conditions. The exact allocation of the apportioned shares not enforced on that date – by metes and bounds, no benefit



may be drawn against the I.O.C.L., by the subsequent events arising from the appeal filed by Mahendra Singh being allowed. To that extent, Clause 4(vi)(a) of the Brochure is specific and consequence of its non-compliance is also unequivocally clear. It was for the petitioner to act accordingly, and offer non-litigious land, as stipulated, in the Brochure.

16. To the extent the order of the Settlement Officer, Consolidation dated 20.12.2023 did not exist on the date of eligibility claimed and there was no 'Kurra' prepared, the partition by metes and bounds was not visible to I.O.C.L. Merely because there may not survive any dispute between Mahendra Singh and his co-sharers on the strength of some private partition held, in absence of public recognition granted in law, either through the order of the Settlement Officer, Consolidation, and/or through appropriate revenue entries, the IOCL may have remained within its rights not to recognize and/or act on such developments as may have involved alteration of its own position viz-a-viz the proposed Retail Outlet.

17. In matters of contract, the Writ Court may leave it open to the contracting parties to act in the manner they may deem fit. Insofar as the action of the IOCL is not seen to be plainly arbitrary and/or unreasoned, we are not inclined to offer any interference under Article 226 of the Constitution of India to reverse the commercial decision of the IOCL – to not enter into the contract with the petitioner.”

21. Mr. Giri, learned Senior Advocate appearing on



behalf of the original petitioner has placed reliance upon the decision rendered by the Hon'ble Supreme Court in the case of **Swadeshi Cotton Mills** (supra). Paragraph-106 of the said judgment reads as under:

“106. The principles of natural justice have taken deep root in the judicial conscience of our people, nurtured by Dr. Bina Pani, Kraipak, Mohinder Singh Gill, Maneka Gandhi. They are now considered so fundamental as to be ‘implicit in the concept of ordered liberty’ and, therefore, implicit in every decision-making function, call it judicial, quasi-judicial or administrative. Where authority functions under a statute and the statute provides for the observance of the principles of natural justice in a particular manner, natural justice will have to be observed in that manner and in no other. No wider right than that provided by statute can be claimed nor can the right be narrowed. Where the statute is silent about the observance of the principles of natural justice, such statutory silence is taken to imply compliance with the principles of natural justice. The implication of natural justice being presumptive it may be excluded by express words of statute or by necessary intendment. Where the conflict is between the public interest and the private interest, the presumption must necessarily be weak and may, therefore, be readily displaced. The presumption is also weak where what are involved are mere property rights. In cases of urgency, particularly where the public interest is involved, pre-emptive action may be a strategic necessity. There may then be no question of



observing natural justice. Even in cases of pre-emptive action, if the statute so provides or if the courts so deem fit in appropriate cases, a postponed hearing may be substituted for natural justice. Where natural justice is implied, the extent of the implication and the nature of the hearing must vary with the statute, the subject and the situation. Seeming judicial ambivalence on the question of the applicability of the principles of natural justice is generally traceable to the readiness of judges to apply the principles of natural justice where no question of the public interest is involved, particularly where rights and interests other than property rights and vested interests are involved and the reluctance of judges to apply the principles of natural justice where there is suspicion of public mischief and only property rights and vested interests are involved.”

21.1. We are of the view that the aforesaid decision would not render any assistance to the original petitioner in the facts and circumstances of the present case, as discussed hereinabove.

22. We have gone through the reasoning recorded by the learned Single Judge while allowing the writ petition filed by the petitioner. In paragraph-8 of the impugned judgment passed by the learned Single Judge, it has been observed by the learned Single Judge that it is an admitted fact that the sister-in-law of the petitioner has also applied for the very same location offering an area of 1225 sq. mtr. in the very



same khata number. Despite the aforesaid observation, the learned Single Judge has further observed that the said Khata Number is more than 2500 sq. mtrs. and, therefore, it was open for the petitioner as well as Manisha Kumari to offer the piece of land from the same plot. However, we are of the view that there is nothing on record before the BPCL with regard to the aforesaid. Further, the learned Single Judge, in paragraph-9, has also observed that on the date of rejection of candidature of the petitioner, the application of Manisha Kumari was not before the authority as she had already withdrawn the same and, therefore, the contentions of the respondents that the land offered by the petitioner is one and the same is also without any legal basis and factually wrong. We are of the view that the learned Single Judge has committed an error by relying upon the aforesaid aspect of withdrawal of the application by Manisha Kumari. At this stage, we may recall that as per Clause 15(m) of the application form itself, it is revealed that on the date of application, the same plot of land cannot be offered by other applicant and, if it is so, the candidature for RO dealership is required to be terminated and declaration was also given by the petitioner that she has provided the correct information and if the information given by the petitioner is



found to be wrong, the dealership is required to be terminated and then she would have no claim against the BPCL for such withdrawal/termination. Thus, on the date of submitting application, same plots of land were offered by the two applicants and, therefore, simply because one of the applicants has withdrawn her candidature at a later stage, i.e., on the date of field verification, it cannot be said that Clause 15(m) as well as declaration would not be applicable.

Findings

23. Looking to the aforesaid facts and circumstances of the present case, we are of the view that, in view of Clause 15(m) as well as declaration, the BPCL was justified in passing the impugned order dated 03.12.2019 cancelling the candidature of the petitioner. Hence, the learned Single Judge has committed an error by allowing the writ petition filed by the petitioner.

24. Accordingly, the impugned judgment dated 29.07.2024, passed in CWJC No.1241 of 2021 is set aside. L.P.A. No.1191 of 2024 is allowed.

25. Interlocutory Application(s), if any, shall also stand disposed of.

L.P.A. No.1039 of 2024



In view of the judgment passed in L.P.A. No.1191 of 2024, the present appeal stands disposed of.

2. Interlocutory Application(s), if any, shall also stand disposed of.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

Sanjay/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	01.08.2025
Transmission Date	N/A

