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In the Andhra Pradesh High Court

Case No : W.P. No. 30290 of 2013

P. Srinivasa Rao — APPELLANT

Vs

Indian Oil Corporation Ltd. — RESPONDENT

Date of Decision : 20-04-2016

Acts Referred:

Citation : (2016) 5 ALT 389 : (2016) 5 AndhLD 378

Hon'ble Judges : Sri M.S. Ramachandra Rao, J.

Bench : Single Bench

Advocate : V. Hanumanth Rao, Advocate, for the Appellant; Deepak Bhattacharjee, (SC for IOCL),, for the Respondent

Final Decision : Allowed

Judgement

Sri M.S. Ramachandra Rao, J. - In this Writ Petition, the petitioners seeks a declaration that letter of cancellation reference No.SDO/R/New Section dated 21.05.2013 passed by 2nd respondent (for short ''the impugned order'') is illegal, void, arbitrary and unsustainable; and seek a direction to respondents to issue a Letter of Intent (Lo I) to them for dealership of the retail out-let of Indian Oil Corporation Limited at Hakimpet - Shamirpet Road (SH1) under ''OC'' category.

The brief facts are set out as under :

2. On 23.10.2010, the 1st respondent issued an advertisement in Deccan Chronicle and Eenadu newspapers inviting applications for "A" site retail outlet dealership at Hakimpet to Shamirpet Road SH-1 under ''OC'' category. The petitioner and two others submitted applications in response thereto. The last date of submission of application was 10.12.2010.

3. It is not disputed that as regards the other two applications made by third parties, one was rejected at the time of scrutiny itself and the other was found ineligible by the Committee constituted by 1st respondent on the ground that he did not produce original lease deed and original fixed deposit receipt at the time

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of interview. So there remained eligible only one application received from the partnership firm consisting of the two petitioners and they qualified with combined total marks of 79.08 as against the qualifying mark of 60.

4. According to 1st respondent, verification is done through a Field Officer of the information provided in the application by petitioners. As per this verification, as far as 2nd petitioner is concerned, the closing balance as on 09.12.2010 was Rs.5,464/-, but it was mentioned as Rs.1,55,464/- in Serial. No.13 in the application filed by petitioners; and as far as 1st petitioner is concerned, the verification disclosed that the closing balance on 09.12.2010 in the Savings Bank account of 1st petitioner was Rs.4,117 as against Rs.2,54,117/- mentioned at Serial No.13 in their application. On this ground, alleging that petitioners had given false information, their selection was cancelled by initially by a letter dated 14.02.2012.

WP. No.17536 of 2012

5. The petitioners questioned the same in WP.No.17536 of 2012 before this Court on the ground that no notice had been issued to petitioners before passing of the said order. The said Writ Petition was allowed by this Court on 28.06.2012 observing that once the petitioners were selected provisionally, valuable rights accrue to them and if the respondents wish to cancel their selection, they are under an obligation to give notice to the petitioners. The order dated 14.02.2012 passed by the respondents was set aside and liberty was given to 2nd respondent to issue a notice to petitioners indicating the reasons on account of which the respondents propose to cancel the petitioners'' selection and directing the 2nd respondent to pass final orders after considering the explanation of the petitioners.

The Show Cause Notice

6. Thereafter, on 02.11.2013, the 1st respondent issued notice to petitioners stating that in the affidavit dated 08.11.2011 submitted by petitioners in compliance with Clause - 17 of their application, the information given by them in the application should be true to the best of their knowledge and belief and they should not have furnished any wrong information or suppressed any facts, and in such an event, they would be disqualified from consideration for dealership; that they were ranked no.1 in the merit panel in the interview held on 20.10.2011, but the Field Investigation Reports procured by 1st respondent indicated that the closing bank balance on 09.12.2010 in both their Savings Bank accounts differed from the figure mentioned by both of them at Serial No.13 in the application; and therefore, they should show-cause why their selection should not be cancelled.

Petitioners'' Explanation

7. The petitioners submitted a detailed explanation on 13.12.2012 to 1st respondent disputing the allegation raised by 1st respondent and contending that

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the Bank statement dated 10.12.2010 filed by them clearly indicated that funds were available in their bank accounts as mentioned in their application. They pointed out that the application was submitted on 10.12.2010 including the said Bank statements and the 1st respondent ought to have taken into account that date instead of the date 09.12.2010 on which the application was signed for checking whether the amounts indicated in para 13 were found in their Savings Bank accounts. They contended that there was a mistake in mentioning the date of the application as 09.12.2010, that in fact the applications were was submitted on 10.12.2010, and this mistake committed by petitioners, bona fidely, cannot be a ground to cancel their selection. They contended that the contents of annexures and the contents of their application both tally if the date is taken as 10.12.2010, the date on which the application was submitted.

The Impugned Order

8. On 21.05.2013, the impugned order has been passed by 1st respondent cancelling the petitioners selection.

9. In the said impugned order, it is stated that the Bank statement submitted along with the application by 1st petitioner shows that he obtained the statement of account dated 10.12.2010 from Allahabad Bank, Santosh Nagar Branch, Hyderabad in respect of Savings Bank Account No.20495808037 for the period 01.12.2010 to 10.12.2010; that it showed cleared balance of Rs.2,54,117/- was lying to his credit; that there was a deposit of Rs.2,50,000/- on 10.12.2010; when a fresh statement was obtained from the same bank for the same account by the Field Officer of 1st respondent on 17.11.2011 for the period 01.12.2010 to 08.11.2011, there was no balance in the account of 1st petitioner of Rs.2,54,117/- either on 09.12.2010 or 10.12.2010, and since 1st petitioner should have given correct information and did not do so, the case of 1st petitioner cannot be considered.

10. Coming to 2nd petitioner, it is stated in the impugned order that he showed a passbook from Oriental Bank of Commerce, Bowenpally Branch, Hyderabad bearing Account No.1077201 0069700 for the period 20.04.2009 to 10.12.2010 which showed a balance of Rs.1,55,464.00; that there was a deposit of Rs.1,50,000/- on 10.12.2010, but on 09.12.2010 the balance in the account was only Rs.5,464/-; and that 2nd petitioner is therefore also not liable to be considered since he undertook to give correct information but did not do so.

11. The above order thus indicated that the relevant date taken by 1st respondent was 09.12.2010 and not 10.12.2010. Merely on the ground that application was signed on 09.12.2010 by petitioners (and not 10.12.2010 when it was actually submitted even though the Bank statements taken on 10.12.2010 were enclosed to their applications), the 2nd respondent rejected the contention of petitioners that he ought to have taken 10.12.2010 as the date of submission of application and not 09.12.2010 as the date of submission of application.

The Pleadings In The Writ Petition

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12. The petitioners contended in the Writ Petition that they jointly made applications for the retail outlet dealership to 1st respondent in response to the advertisement dated 23.10.2010, that they fulfilled all the required formalities and had been jointly placed in serial no.1 in the merit list in the grading sheet, and the respondents ought to have issued Letter of Intent (Lo I) to them and granted them license of dealership. They contended that the action of 1st respondent in issuing the letter of cancellation dated 14.02.2012 as well as the impugned cancellation order dated 21.05.2013 is arbitrary,illegal and unsustainable; the applications were actually filed on 10.12.2010 although they were signed on 09.12.2010, and therefore, the date of filing of applications should have been taken as 10.12.2010 and not 09.10.2010; and the balance in their respective savings account should have been taken as on 10.12.2010 and not as on 09.10.2010. They contended that in the show cause notice the 2nd respondent did not whisper anything about 10.12.2010 and only asked petitioners to explain about the status on 09.12.2010; that the contents of application submitted by petitioners were not properly considered; and the impugned cancellation order was passed erroneously on 21.05.2013 on the ground that the balance in the Savings Bank accounts as on 10.12.2010, is also incorrect; that while the respondents used the word "closing bank balance", in the show-cause notice dated 02.11.2012 issued to petitioners, the said word was omitted in the impugned order dated 21.05.2013. The petitioners pointed out that this was obviously done because proforma Clause (13) in their application did not require ''closing balance'' as the criteria while giving details of bank accounts; that if respondents wanted the ''closing bank balance'' of a particular day such as the last date of submission of filing application as the criteria, they should have specifically mentioned that in the application; and without mentioning the same, they cannot apply the said criteria; even otherwise as on the date of the interview,i.e., 20.10.2011 there was enough money in their respective accounts and two fixed deposits each Rs.5 lakhs taken on 02.12.2010 and 04.12.2010 respectively had been kept intact by petitioners until 04.12.2012 and the respondents had no valid reason to doubt the financial capabilities of petitioners to run their business. They contended that the plea of respondents that they had given incorrect information is baseless and that if the date of filing of the application i.e., 10.12.2010 is taken into account, the statements made by petitioners in the application as well as the supporting documents would ably prove their case and respondents would have no other choice but to issue the Letter of Intent (Lo I) to them. They therefore prayed that the impugned order passed by 2nd respondent dated 21.05.2013 be set aside.

The Counter Affidavit

13. In the counter-affidavit once again the respondents reiterated what is stated in the impugned order and insisted that they looked at the closing balance on 09.12.2010, and therefore, they were justified in passing the order dated 21.05.2013 cancelling the selection of petitioners for dealership. They stated that their decision was in line with a retail policy circular No.6069 (DSG) - 42/12

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dated 21.12.2012, but the said circular was not filed by respondents.

The Documents Filed Along With The Reply Affidavit

14. Along with a reply-affidavit, the petitioners filed the said circular. The contents of the said circular require to be noticed. It states as under :

Retail Sales Department, Ho

6069(DSG)-42/12

21st December, 2012

State Retail Heads

Sub : Verification of "financial capability" declared in application for dealer selection.

Cases have come to knowledge, especially w.r.t. under head "liquid cash" where balances reflected in the document is found to be less than declared amount. In some of the cases, it is also brought out that despite such debits in account, the balance available with the applicant is more than the requirement of IOC and/or is not impacting the evaluation process.

The matter has been examined and it is clarified that the purpose of FIR is to be bring facts before the competent authority to take a decision. It is prudent to mention that candidate can be made ineligible or his candidature cancelled only if deviations observed in the FIR amounts to

misrepresentation/suppression of information for becoming eligible or enhancing his merit. In cases where the deviation observed does not affect the eligibility/ disqualification/the merit of the candidate, such deviations may not fall under the category of misrepresentation/suppression of information/giving false information which can attract cancellation of the candidature/declaring him ineligible for dealership.

The above will help State Offices in uniform decision making.

This may be brought to the notice of all concerned.

Sd/-

(Vinay K. Misra)

DGM (RS)

Copy : ED(RS)/State Heads/GM (Vig.), CO

Copy : All GMs/DGMs in HO Retail Sales

15. Along with the reply-affidavit, an internal note submitted by the Senior Manager Ref.SDO/R/Hakeempet-Shameerpet Dated 20.03.2013, also obtained by petitioners under the Right to Information Act,2005 was filed wherein the Senior

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Manager of 1st respondent pointed out that the application date has to be taken as 10.12.2010; that the Bank statements in respect of both petitioners show that as on 10.12.2010 there was a sum of Rs.1,50,000/- in the account of 2nd petitioner and a sum of Rs.2,50,000/- in the account of 1st petitioner, although there is a withdrawal of a sum of Rs.50,000/- from the account of 1st petitioner on that day; that an applicant is permitted to submit any number of additional documents further to the submission of original application till the last date and time of submission; that petitioners could not have submitted the Bank statement dated 10.12.2010 unless their submission of application was also on 10.12.2010 which was the last date for valid submission of applications; that in the preparation of their applications, the petitioners had inadvertently put the date of application as 09.12.2010, and they have not corrected the date of application since they were not aware of consequences; that they were the only qualified applicants as per the merit panel with sufficient marks above the qualifying mark of 60; and the withdrawal of Rs.50,000/- made by 1st petitioner would make only a difference of 0.25 marks to their total score. He also quoted the circular No.6069 (DSG) - 42/12 dated 21.12.2012 and recorded that cancellation can only be done if deviations observed in the Field Investigation Reports amounting to misrepresentation or suppression of information, that petitioners cannot be said to have made such misrepresentation or suppression, and that petitioners have only made errors on account of their ignorance and had humbly requested for re-consideration of the cancellation of selection. He recommended that it was a fit case for re-consideration of the decision of cancellation of their selection. But there is also an endorsement by another Senior Official on this note that the circular quoted has no application since the circular was further clarified on 26.02.2013 and it would not apply to cases where rejection was in the year 2011.

16. Sri V. Hanumantha Rao, counsel for petitioners; and Sri Deepak Bhattacharjee, learned Standing Counsel for respondents reiterated the stand taken by them by their clients in their pleadings.

17. I have noted the submissions of both sides.

The Points For Consideration

18. The following issues arise for consideration in view of the pleadings and contentions of the parties :

(a) When did the petitioners submitted their application to the respondents for allotment of retail outlet dealership?

(b) Whether there was any requirement that the amounts mentioned by petitioners in their applications should tally with the closing balance in their respective Savings Bank accounts?

(c) Whether there was any misrepresentation or suppression of facts by the petitioners to the respondents ?

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(d) Whether the action of the respondents in cancelling the selection of the petitioners as retail outlet dealers by respondents is valid or not ? and

(e) To what relief ?

The admitted/undisputed facts:

19. There is no dispute that the petitioners had submitted application for allotment of retail outlet dealership of the 1st respondent-company at Hakimpet - Shamirpet Road (SH.1) in response to an advertisement issued by the respondents in Eenadu and Deccan Chronicle newspapers. There is also no dispute that the last date for submission of such application was 10.12.2010. The application submitted jointly by both petitioners bore the date 09.12.2010, but as an enclosure to the said application Bank statements of both petitioners for the period up to 10.12.2010 were enclosed to their joint application. This fact is stated in the reply dated 13.12.2012 submitted by the petitioners to the show-cause notice dated 02.11.2012 issued by the 2nd respondent (although the year was wrongly mentioned as 2011 by them instead of 2010). This is not denied in the impugned order or in the counter-affidavit filed by the respondents. It is in fact admitted by the respondents that only the petitioners'' application was considered and they obtained combined total marks of 79.08 and the applications of two others were rejected.

20. It is also not disputed by respondents that para.13 of the application for retail outlet dealership submitted by the petitioners stated as under :

"13. Give details of source of funds : (to be provided by all applicants)

The details to cover free & unencumbered Bank accounts /Govt. Securities/Fixed Deposits/bankers/financial institution certificate for credit worthiness (in the enclosed Appendix ''A2'')/loans UTI, NSC, Bonds, Shares of public limited companies (with valuation report) etc.,/movable properties like vehicles etc., any other sources of Income like from interest, rent, business etc., (Please attach documentary proof in all cases). The details under "FINANCE" may be provided in the following format. (Attach separate sheet as required)."

Type of Fund

Details of A/c No. etc.,

Name of the Holder

Relationship With Applicant

Amount (Rs.)

*Amount given in FDs, Bank Accounts/and other financial documents as proof for financial capacity should be valid as on date of application."

21. Admittedly, the 1st petitioner in his application mentioned at para no.13 that the balance in his Savings Bank account in Allahabad Bank, Santoshnagar

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Branch, Hyderabad was Rs.2,54,117/- and the 2nd petitioner in his application at para no.13 mentioned that the balance in his Savings Bank account in Oriental Bank of Commerce, Bowenpally was Rs.1,55,464/-. In para 17 in their respective applications, the petitioners undertook that the information given by them is true and that any wrong information or suppression of facts would disqualify them from being considered for dealership. They also gave an affidavit to the similar effect.

Point (a) :

22. It is admitted fact that the applications submitted by both petitioners bears the date 09.12.2010. In para 3 of the impugned order, the 2nd respondent states that along with the application of 1st petitioner, a Bank statement issued by his banker Allahabad Bank, Santoshnagar Branch taken at 11:18:36 hrs. dated 10.12.2010 of 1st petitioner was enclosed and in para 7 thereof, the 2nd respondent stated along with the application of 2nd petitioner, a Bank statement issued by his banker Oriental Bank of Commerce, Bowenpally Branch, for the period 20.04.2009 to 10.12.2010 was enclosed.

23. Since no bank would issue Bank statement giving details of deposits or withdrawals on a day prior to such deposits or withdrawals, it has to be presumed that the applications with the Bank statements were submitted on 10.12.2010 (the last date for such submission) by both petitioners after securing the Bank statements on 10.12.2010 and they were not submitted on 09.12.2010, the date mentioned in the applications by both petitioners. In fact, this is what was also stated in the note submitted by the Senior Manager (R.S.) of Secunderabad Divisional Office to the higher officials on 20.03.2013 at para 4.2.

24. The impugned order was passed only on the premise that on 09.12.2010 (the date mentioned in their respective applications), the petitioners did not have the amounts mentioned by them in their applications in their Savings Bank accounts. In view of my finding that the date of submission of the application is 10.12.2010, the balance in their accounts on that date alone can be taken into consideration by respondents and they cannot raise the plea that as on 09.12.2010, the petitioners should have in their bank accounts, the amounts mentioned by them in their respective applications.

25. This point is accordingly answered that petitioners submitted the applications on 10.12.2010 and not on 09.12.2010.

Point (b) :

26. As an alternative plea, counsel for respondents contended that even if the date of submission of the application is taken as 10.12.2010, even then the petitioners are not eligible, since the Savings Bank accounts of the petitioners did not show that they had deposits of the amounts mentioned in para.13 of their respective applications as can be seen from the closing balance in their accounts

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on that day. He relied upon the Field Investigation Reports obtained by the respondents in this regard.

27. According to the Field Investigation Report obtained by respondents from their officials, as regards 1st petitioner, on 09.12.2010, the amount in his Savings Bank account in Allahabad Bank was Rs.4,177/-, but in the application filed by him he showed Rs.2,54,117/- which was the opening balance on 10.12.2010 and he had withdrawn Rs.50,000/- on that day. But the said report discloses that there were two term deposits of Rs.5 lakhs each in the said bank in the name of 1st petitioner, that he had also shown agricultural income of Rs.60,000/-, that the value of two acres of land in Survey No.1368 in Amangal Village owned by him was Rs.16,00,000/- and his banker had given a letter to extend a loan of Rs.30 lakhs to him. According to the note put up by the Senior Manager (R.S.), Secunderabad Divisional Office, the withdrawal of Rs.50,000/- made by the 1 st petitioner would make a difference of 0.25 marks only to their score which was admittedly 79.08 well above the qualifying mark of60.

28. As regards the 2nd petitioner, the Field Investigation Report revealed that on 09.12.2010, the balance in his Savings Bank account in Oriental Bank of Commerce, Bowenpally was Rs.5,484/- and that in para.13 of his application he mentioned it as Rs.1,55,464/- which was the balance on 10.12.2010. That apart, it revealed that the valuation of his land in Sy.No.47, 48, 76, 77 of Shamirpet was Rs.1,80,000/- and the valuation of flat no.403 in House No.12-10-587/50/9/1 to 3 at Warasiguda, Secunderabad was Rs.7,02,000/-.

29. It is not denied by respondents that on 10.12.2010, in the Savings Bank account of the 1st petitioner there was an amount of Rs.2,54,117/- (although on the same day there was a withdrawal of Rs.50,000/-) which figure he had mentioned at para.13 of his application and in the Savings Bank account of 2nd petitioner there was an amount of Rs.1,55,464/- which tallied with the figure mentioned by him in para.13 of his application.

30. Para.13 of the application of the petitioners has already been set out above. The following sentence therein is important :

"*Amount given in FDs, Bank Accounts/and other financial documents as proof for financial capacity should be valid as on date of application."

Nowhere does para 13 state that ''closing balance'' on any particular date should be mentioned.

31. Therefore, it is not open to the respondents to contend that the closing balance as on 10.12.2010 as regards the 1st petitioner should be in conformity with the amounts mentioned in his application. Without stipulating any such requirement prior to the invitation for applications or in the brochure issued by them, it is not open to the respondents to ask the petitioners to show-cause (as in the show-cause notice dated 02.11.2012 issued by them) that closing bank balance in their Savings Bank Accounts ought to have tallied with the amount

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mentioned in their application in para.13.

32. In fact, the show-cause notice mentions the closing bank balance on 09.12.2010 and not 10.12.2010 at all. I have already held that the date of submission of application being 10.12.2010 and not 09.12.2010, the relevant date for considering whether the petitioners had the amounts mentioned by them in para.13 of their applications is only 10.12.2010 and not 09.12.2010. This point is answered accordingly against the respondents and in favour of petitioners that there is no requirement laid down by respondents that the Bank statements should disclose that closing balance on 10.12.2010 should tally with the amount mentioned in para 13.

Point (c) :

33. In the counter-affidavit filed by the respondents in para.9, it is stated that the decision to cancel the selection for dealership of the petitioners was taken in line with the Retail Policy Circular No.6069(DSG)-42/12 dated 21.12.2012. But copy of the circular was suppressed by the respondents.

34. The petitioner had to apply for the same under the Right to Information Act, 2005, secure it as well as the note of the Senior Manager (RS), Secunderabad Divisional Office dated 20.03.2003 and file it along with rejoinder.

35. The said circular dated 21.12.2012 states :

"The matter has been examined and it is clarified that the purpose of FIR is to be bring facts before the competent authority to take a decision. It is prudent to mention that candidate can be made ineligible or his candidature cancelled only if deviations observed in the FIR amounts to

misrepresentation/suppression of information for becoming eligible or enhancing his merit. In cases where the deviation observed does not affect the eligibility/ disqualification/the merit of the candidate, such deviations may not fall under the category of misrepresentation/suppression of information/giving false information which can attract cancellation of the candidature/declaring him ineligible for dealership.

The above will help State Offices in uniform decision making.

This may be brought to the notice of all concerned."

36. From the above circular it is clear that a candidate can be made ineligible or his candidature cancelled only if deviations observed in the Field Investigation Reports amount to misrepresentation/suppression of information for becoming eligible or enhancing his merit but not otherwise, and that where the deviation observed does not affect the eligibility/disqualification/merit of the candidate, such deviations may not fall under the category of misrepresentation/ suppression of information/giving false information which can attract cancellation of candidature/declaring him ineligible for dealership.

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37. In the present case, admittedly the petitioners had secured combined total marks of 79.08 (para 7 of the counter) while the qualifying mark was only 60.

38. According to the note addressed by the Senior Manager (RS)/Secunderabad Divisional Office dated 20.03.2013 obtained under the Right to Information Act, 2005 by petitioners, assuming that the withdrawal of Rs.50,000/- by 1st petitioner is taken into account, still it would make a difference of only 0.25 marks to their total score. Thus, this is an insignificant factor.

39. Further, the note in my opinion rightly opined that the petitioners, in the preparation of their applications inadvertently put the date of the application as 09.12.2010, even though they had submitted it on 10.12.2010 along with the Bank statements of the said date and had not corrected the date on the applications since they were not aware of the consequences. These errors made out of ignorance by petitioners cannot be said to be amounting to misrepresentation or suppression of information.

40. Also, it is not denied by respondents that on 10.12.2010, in the Savings Bank account of the 1st petitioner there was an amount of Rs.2,54,117/- (although on the same day there was a withdrawal of Rs.50,000/-) which figure he had mentioned at para.13 of his application and in the Savings Bank account of 2nd petitioner there was an amount of Rs.1,55,464/- which tallied with the figure mentioned by him in para.13 of his application.

41. Therefore, the stand taken in the counter-affidavit by respondents that the cancellation of selection made by the impugned order dated 21.05.2013 is in line with the above circular dated 21.12.2012 has no merit and is rejected. This is also corroborated by the note dated 20.03.2013 of the Senior Manager (RS) referred to above wherein an endorsement dated 21.03.2013 in writing was made by his Superior that the said circular was not applied to the petitioners.

42. It is clear therefore that the respondents tried to mislead the court by saying that the impugned order was in line with the circular in para.7 of the counter without filing it; and not applying the circular to the case of petitioners as can be seen from the endorsement dated 21.03.2013 in handwriting on the note dated 20.03.2013 of the Senior Manager (RS) of the Secunderabad Divisional Office of the respondents.

43. Therefore, on point (c) it is held that there was no misrepresentation or suppression of information by the petitioners as alleged by the respondents. Consequently, on point (d) it is held that the decision of the respondents to cancel the selection of the petitioners for grant of retail outlet dealership of the 1st respondent - company at Hakimpet - Shamirpet (SH-1) is arbitrary, illegal and perverse and not in accordance with the circular No.6069(DSG)-42/12 dated 21.12.2012 issued by them.

Point (e) :

44. It is not disputed by counsel for respondents that no other applicant for grant

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of retail outlet dealership pursuant to the advertisement issued on 23.10.2010 by respondents was found eligible and that the petitioners alone had obtained 79.08 marks when the qualifying mark was only 60. It is not the case of respondents that the petitioners are otherwise not suitable and that they did not have the financial capacity to set up the retail outlet of 1st respondent. Also, counsel for respondents stated that no other person was subsequently given retail outlet dealership at the Hakimpet - Shamirpet (SH-1) site.

45. In this view of the matter, the Writ Petition is allowed; the letter of cancellation in Ref.No.SDO/R/New Selection dated 21.05.2013 passed by the 2nd respondent is declared illegal, arbitrary and unconstitutional; and consequently, the respondents are directed to issue Letter of Intent (Lo I) to the petitioners for the dealership of the retail outlet of 1st respondent at Hakimpet - Shamirpet (SH-1) within four (04) weeks from the date of receipt of a copy of this order. The respondents shall also pay costs of Rs.10,000/- to the petitioners.

46. Miscellaneous applications, pending if any in this Writ Petition, shall stand closed.

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