
(2010) 05 AHC CK 0388
In the Allahabad High Court
Case No : C.M.W.P. No. 24608 of 2010

Shambhoo Nath Singh

APPELLANT

Vs

Hindustan Petroleum Copn. Ltd. and Others

RESPONDENT

Date of Decision : 19-05-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 3 AWC 2624

Hon'ble Judges : Subhash Chandra Nigam, J; Satya Pool Mehrotra, J

Bench : Division Bench

Judgement

Satya Poot Mehrotra and Subhash Chandra Nigam, JJ.—On oral prayer made by Shri Bishram Tiwari, learned Counsel for the Petitioner, he is permitted to make correction in the description of the Respondent No. 2 in the array of parties in the writ petition as well as in the stay application.

2. The Petitioner has filed the present writ petition under Article 226 of the Constitution of India, inter alia, making the following prayers:

(a) To issue a writ, order or direction in the nature of certiorari quashing the impugned selection dated 25.3.2010 of Respondent No. 3 in respect of advertisement dated 2.7.2009.

(b) To, issue a writ, order or direction in the nature of mandamus commanding the Respondents not to issue any letter of intent in favour of the Respondent No. 3 and the Respondents may be restrained from providing for retail outlet dealership in respect of advertisement dated 2.7.2009 from Padrauna to Kasia Road (in between Stone Nos. 154 to 164) in district Kushinagar.

(c) To, issue any other writ, order or direction, which this Hon"ble Court may deem fit and proper in the facts and circumstances of the case.

(d) To, award the cost of petition in favour of the Petitioner.

3. It appears that an advertisement dated 2.7.2009 was issued by the

Respondent Nos. 1 and 2 inviting applications for grant of dealership for retail outlet to be installed at the location Padrauna to Kasia Road, between K.M. Stone Nos. 154 to 164 on N.H. 28B, district Kushinagar.

4. Pursuant to the said advertisement dated 2.7.2009, applications were submitted by various persons including the Petitioner and the Respondent No. 3. Ultimately, the Respondent No. 3 was selected for grant of dealership in respect of the aforesaid outlet.

5. The Petitioner, thereafter, filed the present writ petition seeking reliefs as mentioned above.

6. We have heard Shri Bishram Tiwari, learned Counsel for the Petitioner, Shri Vikas Budhwar, learned Counsel for the Respondent Nos. 1 and 2, and Shri Neeraj Singh, learned Counsel for the Respondent No. 3.

7. Shri Vikas Budhwar, learned Counsel for the Respondent Nos. 1 and 2 has Invited our attention to Clause 19 of the Guidelines for Selection of Retail Outlet Dealers which, inter alia, provides that an aggrieved person may make complaint to the Respondent Nos. 1 and 2 for redressal of his grievance, and such complaint will be dealt with in accordance with the procedure laid down in the said Clause.

8. Shri Bishram Tiwari, learned Counsel for the Petitioner submits that in view of the aforesaid Clause 19, the Petitioner may be permitted to make complaint to the Respondent No. 2 for redressal of his grievance mentioned in the present writ petition, and the Respondent No. 2 may be directed to dispose of such complaint in accordance with the provisions of Clause 19.

9. In the circumstances, we are of the opinion that the interest of justice would be subserved, in case the writ petition is disposed of with the following directions:

1. Within four weeks from today, the Petitioner will make a complaint under Clause 19 of the aforesaid Guidelines before the Respondent No. 2 alongwith a certified copy of this order.

2. On receipt of such complaint, the Respondent No. 2 will proceed to decide the complaint in accordance with law including the provisions of Clause 19 of the aforesaid Guidelines after hearing the Petitioner as well as the Respondent No. 3 expeditiously, preferably within a period of two months of the receipt of such complaint.

The writ petition is accordingly disposed of with the aforesaid directions. It is made clear that this Court has not adjudicated upon the merits of the case of the Petitioner.