
(2015) 03 RAJ CK 0014
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3915/13

Umraw Singh

APPELLANT

Vs

Bharat Petroleum Corporation Limited and Others

RESPONDENT

Date of Decision : 12-03-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 03 RAJ CK 0014

Hon'ble Judges : Sangeet Lodha, J.

Bench : Single Bench

Advocate : Abhishek Sharma, for the Appellant; Sunil Beniwal, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Sangeet Lodha, J.—By way of this writ petition, the petitioner has questioned the result of interview conducted by Bharat Petroleum Corporation Limited (BPCL) for Retail Outlet (Petrol Pump) Dealership, for the location Pokaran on Jodhpur Highway (upto 20 kms.) District-Jaisalmer, pursuant to the advertisement dated 9.6.12.

2. The respondent-BPCL issued an advertisement dated 9.6.12 for allotment of the Retail Outlet Dealership inter alia at the location Pokaran on Jodhpur Highway. The petitioner and the respondent No. 3 herein applied for the dealership. The result of the interview conducted for allotment of the dealership was declared on 30.1.13, wherein the petitioner secured 88.32 marks and the respondent No. 3 herein, secured 91.05 marks. The petitioner made a representation questioning the correctness of the marks awarded to the respondent No. 3 under the head of "capability to provide infrastructure and facility". According to the petitioner, the respondent No. 3 had offered the land for establishment of the Retail Outlet, which he had taken on lease for 20 years and therefore, he was lacking in eligibility criteria regarding availability of the suitable site. That apart, the petitioner also questioned the award of 30.85 marks

to him and 34.85 marks to the respondent No. 3, under the head of "capability to provide infrastructure and facility". However, the respondent proceeded to issue Letter of Intent in favour of the respondent No. 3. Hence, this petition.

3. Learned counsel for the petitioner contended that the respondent No. 3 has taken the land offered on lease for a period of 20 years and has paid the stamp duty on the lease deed for a period of 20 years only, however, the wrong details were furnished in this regard by him in the application form. Learned counsel submitted that as per the eligibility criteria laid down, an applicant must own the land or have registered long lease of the land, for a minimum period of 30 years at the location in question and thus, the petitioner was not entitled to be considered for award of the dealership. Learned counsel submitted that the respondent-BPCL has erred in awarding weighted marks 34.65 to the respondent No. 3, treating the land offered by him to be his own land.

4. On the other hand, the counsel appearing for the respondent-BPCL submitted that the complaint made by the petitioner was investigated. Learned counsel submitted that though the respondent No. 3 was entitled for 35 marks even on the basis of lease deed for 20 years, keeping in view, the condition incorporated in the brochure in this regard, however, to clarify the position, the information was sought from Sub Registrar, Pokaran, before whom the lease deed was registered, who in its turn, confirmed that the lease deed existing in favour of the respondent No. 3 has been registered for a period of 30 years. In this regard, learned counsel has drawn attention of this court to the communication dated 20.3.13 sent by the Sub Registrar, Pokaran, whereby it has been clarified that the lease deed registered is for the period of 30 years and the period "<20 years" has been wrongly printed thereon on account of computer error. Learned counsel submitted that as per the condition incorporated in the brochure, the applicant having own land or having land on long lease (registered) for a minimum period of 30 years, as on the date of the application, is entitled for 35 marks and therefore, the evaluation committee has committed no error in awarding 35 marks to the respondent No. 3 under the head of "capability to provide infrastructure and facility". Learned counsel submitted that since the petitioner had offered his own land, he has also been awarded 35 marks. Learned counsel submitted that the weighted marks of the petitioner as also of the respondent No. 3 under the said head comes to 34.65 and therefore, the grievance raised by the petitioner regarding award of marks under the said head is absolutely baseless.

5. Learned counsel appearing for the respondent No. 3 has adopted the arguments advanced by the counsel for the respondent-BPCL.

6. I have considered the rival submissions of the learned counsel for the parties and perused the material on record.

7. It is to be noticed that as per clause 14.1 of the Brochure which deals with evaluation of the site offered by the applicants specifically provides that the

applicants who own or have registered long lease for minimum period of 30 years of the suitable land at the location will be given weightage over the applicants who have only firm offer from third parties for obtaining suitable land either on ownership or on lease basis. It is pertinent to note that it has been specifically mentioned therein that for Rajasthan, the minimum period of lease should be 19 years and 11 months and for U.P., Uttrakhand, it should be 29 years and 11 months.

8. A perusal of the said clause reveals that the persons not offering the own land or having registered long lease of the land offered for the period specified are not rendered ineligible for award of the dealership. Further, in the State of Rajasthan, the minimum period of lease in terms of the said clause is required as 19 years and 11 months and not 30 years as claimed by the petitioner. Moreover, on the basis of the documents on record, it is abundantly clear that the petitioner was having registered long lease of the land offered for a period more than 30 years. It is pertinent to note that as per the lease deed placed on record, the period of the lease is 31 years and as clarified by the Sub Registrar concerned, the lease has been registered treating it to be the lease for a period of more than 30 years. Indisputably, as per clause 14(ii), which deals with allocation of marks on various parameters in respect of individual applicants, an applicant having own land or having land on long lease (registered) for a minimum period of 30 years as on the date of application are entitled to 35 marks out of the maximum marks 35 and thus, the petitioner as also the respondent No. 3 have rightly been awarded raw marks 35 and weighted marks 34.85. From bare perusal of the result sheet placed on record, it is apparent that the petitioner has also been awarded weighted marks 34.65 and therefore, the grievance raised by the petitioner that he has been awarded only 30.85 marks is also absolutely baseless. Suffice it to say that marks allocated by evaluation committee to the petitioner and the respondent No. 3 as aforesaid does not suffer from any infirmity or illegality so as to warrant interference by this court in exercise of its extra ordinary jurisdiction under Article 226 of the Constitution of India.

9. In view of the discussion above, in the considered opinion of this court, the writ petition preferred by the petitioner is absolutely devoid of any merit and deserves to be dismissed.

10. In the result, the petition fails, it is hereby dismissed. No order as to costs.