

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3<sup>RD</sup> DAY OF AUGUST, 2016

BEFORE

THE HON'BLE MR. JUSTICE A S BOPANNA

WRIT PETITION No.14130/2015 (GM-RES)

**BETWEEN:**

SRI RAMESH K N  
S/O SRI NANJUNDEGOWDA K  
AGED ABOUT 42 YEARS,  
RESIDING AT NO. 2057, S.B. ROAD,  
KRISHNARAJPET 571426

**... PETITIONER**

(BY SRI. VENKATESH R BHAGAT, ADV.)

**AND:**

1. M/S INDIAN OIL CORPORATION LIMITED  
IV FLOOR, UNITY BUILDING,  
J C ROAD,  
INDANE AREA OFFICE,  
BANGALORE- 560002  
REP. BY CHIEF AREA MANAGER
2. INDIAN OIL CORPORATION  
REGD.OFFICE G-9,  
ALI YAVAR JUNG MARG  
BANDRA (EAST), MUMBAI 400051  
REP. BY ITS MANAGING DIRECTOR
3. THE DEPUTY GENERAL MANAGER  
INDIAN OIL CORPORATION,  
INDIAN OIL BHAVAN,  
NO.29, P KALINGA RAO ROAD,  
BANGALORE 560027

**... RESPONDENTS**

(BY SRI. VIGHNESHWAR S SHASTRI, ADV. FOR R1-3 )

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, WITH A PRAYER TO CALL FOR THE RECORDS PERTAINING TO IMPUGNED LETTER AT ANNEX-A DT.23.2.2015 PASSED BY THE R-1 AND QUASH THE IMPUGNED LETTER DT.23.2.2015 ISSUED BY THE R-1 AT ANNEX-A & TO DIRECT THE R-1 TO AWARD LPG DISTRIBUTORSHIP AT KRISHNARAJPET, MANDYA DIST.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

The petitioner is before this Court assailing the letter dated 23.02.2015 impugned at Annexure-A to the petition and direct respondent No.1 to award LPG distributorship at Krishnarajpet, Mandya District to the petitioner.

2. The petitioner is one of the applicants who had responded to the notification issued by the respondents calling for applications to appoint distributors for LPG. The petitioner contends that along with the application the required details had been furnished. Though that is the position, by the impugned letter dated 23.02.2015, the petitioner has been informed that the candidature of the

petitioner is rejected since one of the criteria to possess funds to the extent of Rs.10,00,000/- has not been satisfied. The petitioner claiming to be aggrieved by the same is before this Court.

3. While seeking consideration of the case of the petitioner, the learned counsel for the petitioner would refer to the documents available at Annexure-G series to contend that the said documents if taken into consideration, the requirement as contemplated with regard to the possession of the minimum funds would stand satisfied.

4. The respondents have filed their objection statement. Learned counsel for the respondents with reference to the objection statement and the document produced at Annexure-R.1 along with the objection statement would refer to column No.11 therein whereunder the Field Verification has been made relating

to the amount mentioned in the application of the applicant and that of the family unit. It is pointed out that on perusal of the records relating to the account maintained in State Bank of Mysore, it was found that only a sum of Rs.32,780/- was available and that too in the name of the firm and not that of the petitioner. In that light, it is pointed out that the Field Verification Report dated 30.11.2014 would disclose that the candidature of the petitioner cannot be accepted in view of the non-compliance of the said requirement. It is in that view the communication dated 23.02.2015 is issued to the petitioner.

5. In the light of the contentions that are put forth, a perusal of the communication impugned herein would indicate that the candidature of the petitioner has been rejected only on the ground that the amount of Rs.10,00,000/- which was to be possessed by a candidate was not available in the account of the petitioner at the

time of field verification. The requirement no doubt is to possess the said amount as on the date of the application.

6. Learned counsel for the petitioner at the time of hearing of this petition would refer to a letter dated 16.03.2016 addressed by the respondents to one Smt. Komala K.R. wherein a similar consideration with regard to the grant of LPG distributorship relating to Gowribidanur was being made. In that circumstance, in respect of an advertisement which was issued on 21.09.2013 a subsequent consideration was indicated therein with regard to the funds being possessed in the situation where the revised guidelines had come into force. Therefore, in such circumstance, the petitioner contends that if the documents available at Annexure-G series whereunder it is pointed out that the petitioner possesses more than 10,00,000/- to his credit is considered, the case of the petitioner would also arise for consideration for grant of LPG distributorship.

7. Therefore, if these aspects are kept in view, certainly a reconsideration of the matter is required to be made by the respondents by taking note of the revised guidelines and also the materials relied on by the petitioner to indicate that the required quantum of deposits is available in the name of the petitioner.

8. To enable such reconsideration, the communication dated 23.02.2015 is quashed. The petitioner is permitted to file the additional documents which are relied on in the instant petition with the respondents along with the details of benefit claimed under the revised guidelines. The respondents shall thereupon reconsider the matter in that light and take a decision in accordance with law. Such decision in any event shall be taken as expeditiously as possible, but not later than four weeks from the date on which a copy of

this order and the documents are furnished to the respondent.

The petition is accordingly disposed of.

**Sd/-  
JUDGE**

akc/bms