

ITEM NO.24

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8350/2024

(Arising out of impugned final judgment and order dated 12-03-2024 in WC No. 8004/2024 passed by the High Court Of Judicature At Allahabad)

ABHISHEK BANSAL

Petitioner(s)

VERSUS

HINDUSTAN PETROLEUM CORPORATION LIMITED & ORS.

Respondent(s)

(FOR ADMISSION and IA No.85348/2024-EXEMPTION FROM FILING O.T. and IA No.85647/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES)

Date : 15-04-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Bijender Chahar, Sr. Adv.
M/S. Karanjawala & Co., AOR
(Appearance not given)

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Bijender Chahar, learned senior counsel appearing for the petitioner.

Assailing the decision of the Division Bench of the High Court upholding the rejection of the petitioner's candidature for allotment of a Petrol Pump under the Hindustan Petroleum Corporation Limited, the learned counsel would firstly refer to the locational plot (Annexure P11) offered by the applicant. The

concerned land is owned by the petitioner, his father, mother, brother and sister. Importantly, it is a contiguous plot.

The learned counsel would also refer to the eligibility criteria Clause 4(g) and 4(h) of the HPCL's Brochure to point that the land owned by the family members can be considered as belonging to the applicant firm and consent letters of all the other family members have been furnished with the application. The assets of the family members can be taken as assets of the partners of the firm to make it an eligible applicant. In support, the counsel cites the Judgment of this Court in N. Khadervali Saheb (Dead) by LRs and Anr. Vs. N. Gudu Sahib (Dead) and Ors. reported in (2003) 3 SCC 229.

The averments in the writ petition are then read out by the learned senior counsel to submit that the clarification on the typographical error was given by the applicant with necessary representation, but the High Court, under the impugned Judgment, erroneously observed that the applicant failed to file representation or remove the discrepancies.

It is pointed out by Mr. Chahar that the petitioner was provisionally selected as he was successful in the draw of lots conducted on 05.12.2023. It is, therefore, argued that the reasoning given in the rejection letter dated 05.02.2024 (Annexure P14) are irrelevant and should not come in the way to favourably consider the petitioner for the retail outlet.

Issue notice, returnable in four weeks.

All further actions are stayed in terms of the impugned order dated 12.03.2024 passed in Writ Petition Civil No. 8004 of 2024, in the meantime.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR