

GAHC040007222024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/224/2024

Ungkung Regon
Son of Kaliram Regon, permanent resident of Tigra Mirbuk Village, Pasighat, PO and
PS Pasighat, East Siang District, Arunachal Pradesh

VERSUS

The Bharat Petroleum Corporation Ltd and Anr
through its Managing Director, having its registered office at 12/E and F, Maker
Towers, Cuffe Parade, Post Box No.149949, Mumbai 400005, Grand
PETROTOWER

2:The Head of Terrotory Offive
Age: 0
Occupation :
Bharat Petroleum
T M Retail
Guwahati
1st Floor Nexia Park
Christian Basti
Guwahati
Kamrup Metropolitan District
Assam 78100

Advocate for the Petitioner : Dicky Panging

Advocate for the Respondent :

**BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 06.06.2024

Heard Mr. D. Panging, learned counsel for the petitioner.

This is application under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of Certiorari, Mandamus or any other appropriate writ, order/orders or directions of like nature.

The petitioner has preferred this writ petition against the impugned letter/order dated 18.04.2024, sent by the Bharat Petroleum Corporation Limited informing the present petitioner that his candidature has been rejected on the ground that the land document submitted by the petitioner is not valid for considering the offered land under Group-1 as notarized lease deed cannot be considered under Group-1.

Issue notice to the respondents, returnable within 4(four) weeks.

The learned counsel for the petitioner shall take steps for service of notice upon respondents by registered post with A/D as well as by usual process within a week from today.

In addition to that, the learned counsel for the petitioner is also permitted to take steps for service of notice to the respondents also issued through *dasti* mode which shall be routed through the Registry of this Court. And, after service of such notice, an affidavit to that effect shall be filed.

Mr. Panging, learned counsel for the petitioner further submitted that the present petitioner was one of the applicants, whereby, the present petitioner was selected as Retail Outlet dealership under the Bharat Petroleum Corporation Limited after draws of lots of selection and accordingly, he was asked to file the required land document etc. And, in pursuant to that, the present petitioner has submitted all his relevant documents including the lease deed of the land which was under their lease since 20(twenty) years. However, his candidature was rejected only on the ground that

the said lease agreement was notarized and the notarized documents cannot be accepted as a valid land document. But the concerned authority has failed to see that the said lease agreement/land document was not only notarized but also it was registered under the Sub-Registrar, East Siang District, Pasighat, Arunachal Pradesh and without considering all these aspects of the case, merely on the said ground, his candidature was rejected by the concerned authority.

Further, he submitted that till now the redraw of lots for selection of Retail Outlet dealership in respect of "From Sibbo Korong Bridge to Ranaghat Police Check Gate on NH-515" is not yet conducted by the concerned authority and accordingly, he prayed, as an interim, to stay any further proceeding to be conducted for redraw of lots for selection of Outlet dealership by the concerned authority. Mr. Panging further submitted that though his candidature of the petitioner was rejected on 18.04.2024, but till date the authority concerned have not started any proceeding for redraw of lots of selection of Retail Outlet dealership.

In support of his submission, Mr. Panging, learned counsel for the petitioner, relied on a decision of the Apex Court reported vide **(1999) 3 SCC 273**, wherein, it has been expressed the view that the candidature of the petitioner cannot be rejected only for technical irregularity for little or no significance. He further relied on another decision of the Apex Court reported in **(1991) 1 SCC 212**.

Considering the entire submissions made by the learned counsel for the petitioner and other aspects of the matter, the further proceeding for redraw of lots of selection of Retail Outlet dealership in respect of "From Sibbo Korong Bridge to Ranaghat Police Check Gate on NH 515" by the concerned authority is hereby stayed/suspended till final disposal of the present writ petition.

List this matter after 4(four) weeks as on a date to be fixed by the Registry.

JUDGE

Comparing Assistant