



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.19438 of 2024

Pranya Nuai

.....

Petitioner

Represented By Adv. -
Bibhuti Bhusan Mishra

-versus-

***Bharat Petroleum Corporation
Ltd., Sambalpur***

.....

Opposite Parties

Represented By Adv. -
M/s.srinivas Patnaik,
Tara Prakash Paul,
C.rout, S.pattanaik, Mr.
S. Jena, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

21.02.2025

Order No.

05. 1. This matter is taken up through Hybrid mode.
2. On the oral prayer of the learned counsel for the Petitioner, he is permitted to add the Tahasildar, Birmaharajpur as Opposite Party No.2.
3. Learned counsel for the State has no objection to the same.
4. Accordingly, the prayer for admission of the party is allowed. Learned counsel for the Petitioner is directed to take steps to add the Tahasildar, Birmaharajpur as the Opposite Party No.2. The corrected



copy of the cause list be uploaded by Monday (24.02.2025). Extra copy of the writ petition be served on learned counsel for the State.

I.A. No.3143 of 2025

5. This interlocutory application has been filed seeking amendment in the pleadings of the writ petition.

6. Learned counsel for the Petitioner submitted that certain development that have taken place during the pendency of the present writ petition which is required for a just and fair adjudication of the present writ application, a soft copy will be brought on record by way of its amendment.

7. Learned counsel for the Opposite Party, on the other hand has no objection to the same.

8. Accordingly, I.A. No.3143 of 2025 stands allowed.

9. Consolidated copy filed by the Petitioner is accepted and taken on record. A copy of I.A. has already been served on learned counsel for the Opposite Parties.

I.A. No.3142 of 2025

10. This interlocutory application has been filed with a prayer for stay of further proceedings pursuant to letter dated 13.02.2025.

11. Learned counsel for the Petitioner at the outset contended that challenging cancellation of the selection of the Petitioner for a retail petroleum outlet to draw of lottery which has been cancelled subsequently by the Opposite Party No.1, the Petitioner has approached this Court by filing the present writ petition. In the course of hearing, learned counsel for the Petitioner further contended that



although the Petitioner was selected for the draw of lots, however, subsequently for reasons best known to the Opposite Party No.1, which has been cancelled by a letter dated 27.06.2024 under Annexure-5 to the writ petition.

12. On perusal of the record, it appears that pursuant to the advertisement dated 28.06.2023 under Annexure-1, the Petitioner had applied for the RO dealership at Birmaharajpur, under Sonepur District of Odisha, under SC category. Thereafter, the Petitioner submitted his candidature which was duly scrutinized and through a draw of lottery, the Petitioner was selected for an allotment of such RO dealership. The draw of lots and the selection for allotment of RO dealership was intimated to the Petitioner vide letter dated 07.12.2023 and the Petitioner was intimated that he has been selected for RO dealership in respect of Sonepur District of Odisha under SC category pursuant to the advertisement dated 28.06.2023. Although it has been mentioned in the said letter that the selection is provisional in nature, the result of the selection of such advertisement under Annexure-1 has been cancelled vide letter dated 27.06.2024 in respect of the Sonepur District on the ground that although the Petitioner is having 26.2 meters of frontage of land acquired, the same falls short of requirement under Annexure-1, i.e. 35 meters. Learned counsel for the Petitioner disputed the same by referring to the advertisement under Annexure-1 and submitted that the requirement is 30 meters and not 35 meters as has been indicated in the letter under Annexure-5. He further emphatically contended that the Petitioner fully meets the requirement as has been fixed in the advertisement under Annexure-1. However, the Opposite Party No.1 has illegally cancelled the allotment under



Annexure-3 vide the letter under Annexure-5 to the writ petition. He further contended that a decision has also been taken to hold a fresh draw of lots. Being aggrieved by such decision to hold a fresh draw of lots, the Petitioner has filed this application with a prayer for stay operation of such draw of lots pursuant to the letter dated 13.02.2025 under Annexure-8 to the I.A.

13. Learned counsel for the Opposite Party No.1, on the other hand contended that the Opposite Parties have not committed any illegality by cancelling the provisional allotment under Annexure-3 by virtue the letter under Annexure-5 to the writ petition. He further contended that since the Petitioner failed to meet the requirements under the advertisement as per Annexure-1 to the writ petition, on subsequent verification, the allotment under Annexure-3 has been cancelled. He further contended that the land acquired by the Petitioner fails to meet the standard as has been specified in the advertisement under Annexure-1, although the same is being seriously disputed by the learned counsel for the Petitioner. He further contended that the order under Annexure-5 was modified vide letter dated 09.09.2024 under Annexure-A/1 to the counter affidavit. In the letter dated 09.09.2024, the Opposite Party No.1-Company has stated that the frontage of the land acquired by the Petitioner is 26.2 meters instead of 30 meters as is required under Annexure-1. Therefore, the Petitioner has been moved to Group-3 as per the dealer selection guide line of June, 2023. He further contended that the case of the Petitioner shall now be considered along with other eligible candidates under Group-3 as per the guidelines.

14. On a careful consideration of the materials on record, further taking note of the submissions made by the learned counsels



appearing for the respective parties, it is observed that there exists a dispute with regard to the size of frontage of the land acquired by the present Petitioner. In such view of the matter, learned counsel for the State is directed to obtain a report with regard to the land acquired by the present Petitioner within a period of two weeks from today. Necessary details be furnished to the Tahasildar by the Petitioner for the said purpose. Accordingly, the Petitioner shall also appear before the Tahasildar, Birmaharajpur-Opposite Party No.2 within a week from today along with a copy of today's order. On production of a certified copy of today's order, the Tahasildar, Birmaharajpur-Opposite Party No.2 shall prepare a report, with regard to the land acquired by the Petitioner from the Opposite Party No.1, Company and the same be placed before this Court by the next date. The Tahasildar, Birmaharajpur-Opposite Party No.2 is further directed to prepare the report in presence of the Petitioner as well as the Opposite Party No.1-Company.

15. List this matter on 11th March, 2025.

16. As an interim measure, it is directed that the draw of lots pursuant to letter dated 13.02.2025 shall be kept in abeyance till the next date.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout