

ITEM NO.41

COURT NO.15

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 21062/2017

(Arising out of impugned final judgment and order dated 28-07-2017 in WC No. 32800/2017 passed by the High Court of Judicature at Allahabad)

SANJEEV KUMAR

Petitioner(s)

VERSUS

THE MANAGING DIRECTOR, INDIAN OIL
 CORPORATION & ORS.

Respondent(s)

IA No. 74677/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)

WITH

SLP(C) No. 21447/2017 (XI)

IA No. 76764/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)

SLP(C) No. 22290/2017 (XI)

IA No. 80902/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)

SLP(C) No. 21957/2017 (XI)

IA No. 79042/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)

SLP(C) No. 21385/2017 (XI)

Date : 17-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. D.K. Garg, Adv.
 Mr. Hariom Yaduvanshi, Adv.
 Mr. S. Harini, Adv.
 Mr. S. Solomon, Adv.
 Mr. Manpreet Kaur, Adv.
 Dr. Monika Gusain, AOR

For Respondent(s) Mr. K.M. Nataraj, ASG.
 Mohd. Akhil, Adv.

Ms. Manjula Gupta, Adv.
Mr. Raj Bahadur Yadav, Adv.

Mr. Shubail Farook, Adv.
Mr. Faisal Farook, Adv.
Mr. Kshitij Kumar, Adv.
Mr. Rutwik Panda, AOR

Mr. Madhavi Divan, ASG.
Mrs. Priya Puri, AOR
Mr. Ranjay Kumar Dubey, Adv.
Mr. Yati Sharma, Adv.
Ms. Srithi Sharma, Adv.

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

On the last date of hearing, we had passed the following
order:-

Learned counsel for the petitioners submits that as far as his cases are concerned, there was no candidate who would fall under Clause 9.1.10.h, which reads as follows:

"The same piece of land for godown cannot be offered by more than one applicant for a particular location against the advertisement. In case it is found at any stage that the same piece of land for godown or same piece of land for showroom has been offered by more than one applicant for the same location of the advertisement then all such applications would be rejected or if selection has been done, then the same would be cancelled."

The grievance of the petitioners appears to be that redraw could only be done on those locations where there was violation of this clause. If none of the applicants for a particular retail outlet had violated this clause, then there should not have been redraw of plots. We request, learned counsel for the Respondent No.1 to look into this aspect of the matter and file an appropriate affidavit, if required.

Ms. Madhavi Divan, learned senior counsel submits that some of the petitioners have participated in the fresh selection process. Impleadment is allowed List on 17.1.2020.

Now an affidavit has been filed by the Indian Oil Corporation

which clearly indicates that in the locations as far as the petitioners in these cases are concerned, there were many applications which were rejected, for violation of Clause 9.1.10(h).

Therefore, the cases of those applicants whose applications were wrongly rejected had to be reconsider. This could only be done after cancelling the allotments made in favour of the petitioner. The IOC had no option but to reject their allotments. It would be pertinent to add that after cancellation the petitioners took part in the fresh draw of lots.

Therefore, we find no error in the order of the High Court. The special leave petitions are dismissed.

Pending applications, if any, are disposed of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(PRADEEP KUMAR)
BRANCH OFFICER