



2025:DHC:278



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 15.01.2025*+ **W.P.(C) 4823/1994, CM APPL. 8703/1994, CM APPL. 5708/1995
& CM APPL. 979/1997**

DEVENDER KUMAR GAUTAM

.....Petitioner

Through: Ms. Shashi Kiran, Sr. Adv. with Ms.
Sangeeta Bhalla, Adv.

versus

UOI

.....Respondent

Through: Ms. Meera Bhatia, Adv. with Mr.
Devender Kumar Gautam**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The grievance of the Petitioner as articulated in the prayers of the present Petition is that the Petitioner was not allotted a petrol pump by the Respondent No.1. The challenge by the Petitioner was also to a selection board as established by the Respondent No.1 in 1990s.

2. Learned Counsel for the Respondents submits that so far as concerns the prayers in the present Petition, the same have become infructuous. The allotment of petrol pump is now under the purview of Oil Marketing Companies and not under the Respondent No.1/Ministry of Petroleum and Natural Gas. It is further submitted that after the Administered Pricing Mechanism (APM) was dismantled on 01.04.2002 by the Respondent No.1, the allotment of marketing and distribution of petrol pumps including that of allotment of retail outlet dealerships has been left to the Oil Marketing Companies and the Respondent No.1/Ministry of Petroleum and Natural Gas



has no discretion whatsoever on the allotment of retail outlets like petrol pumps.

3. Learned Counsel for the Respondents further submits that with effect from 09.05.2002, the Dealer Selection Boards (DSBs), which previously existed for selection, were dissolved.

4. Learned Counsel for the Respondents submits thus, that given the pendency of this matter, the present Petition has become infructuous. In this regard, an affidavit dated 11.11.2024 has also been filed by the Respondent No.1. The relevant extract of the affidavit is below:

"5. That the Ministry of Petroleum and Natural Gas vide letter No. 9011/12/2001-IOC(Pt) dated 30.03.2002 directed that the Dealer Selection Boards (DSBs) shall complete the dealer selection process by 30.09.2002 in respect of only those locations where the advertisements have been issued by oil marketing companies till 31.03.2002. Relevant content of the letter has been reproduced below:

"It has been decided by the Government that in view of dismantling of the Administered Pricing Mechanism (APM) with effect from 1.4.2002 the Dealer Selection Boards (DSBs) shall continue selections of dealers/distributors for - marketing companies (OMCs) only for those locations where the advertisements have been issued by oil marketing companies till 31.3.2002. The concerned DSBs shall complete the Dealer Selection process for all such locations by 30.9.2002. Thereafter, the DSBs shall wind up operations within 14 days of the last interview. In this time all files that are with the DSBs shall also be returned to the OMCs for further necessary action.

6. That the Ministry of Petroleum and Natural Gas vide letter No.19011/12/2001-IOC(Pt) dated 09.05.2002 decided to dissolve the Dealer Selection Boards (DSBs) forthwith. Relevant content of the letter has been reproduced below:

" ... it has been decided by the Government to dissolve the Dealer Selection Boards (DSBs) forthwith. The Dealer Selection Boards (DSBs) are accordingly hereby dissolved with immediate effect instead of 30.09.2002 as informed



earlier."

7. That it is submitted that Oil Marketing Companies i.e. Indian Oil Corporation Ltd (IOCL) Bharat Petroleum Corporation Ltd (BPCL) and Hindustan Petroleum Corporation Ltd. (HPCL) enjoy commercial freedom in the matter of marketing and distribution of petroleum products through their respective networks of retail outlet dealerships and the Ministry of Petroleum and Natural Gas has no role to play in day-to-day functioning relating to commercial activities of the Oil Marketing Companies including allotment of retail outlet dealerships. Further. it is submitted that Oil Marketing Companies, for the selection of retail outlet dealership are guided by the applicable Dealer Selection Guidelines framed by them."

5. Given the affidavit filed by Respondent No.1, the reliefs as sought for by the Petitioner, cannot be granted in the present Petition.
6. Learned Senior Counsel for the Petitioner, on instructions, seeks and is granted permission to withdraw the present Petition with liberty to take appropriate steps for redressal of her grievance.
7. The present Petition is accordingly disposed of in the foregoing terms. All pending Applications stand closed. The liberty as sought for is so granted *albeit* in accordance with law.
8. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 15, 2025/jn/ ha

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