



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 2<sup>ND</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR**

**WRIT PETITION NO.203293 OF 2024 (GM-RES)**

**BETWEEN:**

MR. MOHAMMED MASIUZZAMA KHUSROO  
S/O MOHAMMED ILYASUZZAMA,  
AGED ABOUT 54 YEARS, OCC: BUSINESS,  
R/O H.NO.2-1-111 NAYA KAMAN  
ROADSIDDI TALEEM BIDAR,  
BIDAR-585 401.

...PETITIONER

(BY SRI. RAVI B. PATIL, ADVOCATE)

**AND:**

1. BHARAT PETROLIUM CORPORATION LTD,  
12/E & F MAKER TOWERS,  
CUFFE PARIOD REP BY MANAGING DIRECTOR,  
PB NO.19949,  
MUMBAI-400005.

2. TERRITORY MANAGER  
BHARAT PETROLIUM CORPORATION LIMITED,  
BPCL GULBARGA RETAIL TERRITORY OFFICE,  
KALABURAGI DEPOT, ROAD NO.2, NANDUR(K)  
INDUSTRIAL AREA, KIADB INDUSTRY LAYOUT  
PHASE, 2  
NANDUR (K), KALABURAGI-585 228.

...RESPONDENTS

(BY SRI. GANESH S. KALBURGI, ADVOCATE FOR R2;  
SRI. SATISHKUMAR GADKAR, ADVOCATE FOR R1)





THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) A WRIT OF CERTIORARI ANY OTHER WRIT OR DIRECTION TO QUASH THE IMPUGNED ORDER BY WAY OF COMMUNICATION DATED 18.11.2024 BEARING REFERENCE NO. BPC16947007565709 ISSUED BY THE 2<sup>ND</sup> RESPONDENT CORPORATION AS AT ANNEXURE-G. B) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS NO.1 AND 2 TO CONSIDER THE CLAIM OF THE PETITIONER FOR GRANT OF RETAIL DEALERSHIP BY CONSIDERING HIS APPLICATION NO.BPCL16947007565709 AS AT ANNEXURE-C WITHIN SUCH STIPULATED TIME AS THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE, C) PASS SUCH OTHER ORDER/S AS THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR



**ORAL ORDER**

Petitioner is before this Court seeking the following reliefs:

*"a) A writ of certiorari any other writ or direction to quash the impugned order by way of communication dated 18.11.2024 bearing reference No. BPC16947007565709 issued by the 2<sup>nd</sup> respondent corporation as at Annexure-G.*

*b) Issue a writ of mandamus directing the respondents no.1 and 2 to consider the claim of the petitioner for grant of retail dealership by considering his application No.BPCL16947007565709 as at Annexure-C within such stipulated time as this Hon'ble Court deems fit in the circumstances of the case,*

*c) Pass such other order/s as this Hon'ble Court deems fit to grant in the circumstances of the case"*

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the material on record.

3. Perusal of the material on record will indicate that the petitioner contends that he was the owner of land



bearing in Survey No. 111/ 5, measuring 21 guntas and Survey No. 111/6 measuring 19 guntas and had secured conversion of the said lands from agricultural to non-agricultural/commercial purpose vide order dated 13.10.2016 passed by the Jurisdictional Deputy Commissioner. It is contended that after securing necessary approval for formation of layout on 15.03.2017 from the Town Planning Authority as well as necessary construction permission from the Grama Panchayath on 18.03.2017 and having obtained the Digital Khata from the Grama Panchayath on 02.08.2017, the petitioner submitted his application dated 14.09.2023 in response to the advertisement notification dated 28.06.2023 issued by the respondent for the purpose of opening a Retail Outlet of BPCL. It is further contended that on 22.11.2023, the respondent No. 2 issued a communication calling upon the petitioner to attend the bid opening process on 04.12.2023 and on 10.07.2024 the petitioner, who was informed about his application being considered was called



upon to submit requisite documents as listed in the said communication. It is also contended that on 11.07.2024, petitioner uploaded all relevant documents through the online portal, despite which his application was rejected by the respondents vide impugned communication at Annexure-G dated 18.11.2024, in which the respondent referred to a communication dated 12.08.2024 calling upon the petitioner to furnish additional documents/information/details and since the petitioner did not comply with the said demand made by the respondents, the petitioner's application for to open/start a Retail Outlet was rejected by the respondents and as such petitioner is before this Court by way of the present petition.

4. Learned counsel for the petitioner would reiterate the various contentions urged in the petition and invite my attention to the alleged communication at Annexure-J dated 12.08.2024, in order to contend that the said communication was never received by the petitioner,



who was not in a position to comply with the demand made in the said communication. Alternatively it was submitted that the documents demanded from the petitioner in the aforesaid communication at Annexure-J dated 12.08.2024 had already been submitted by the petitioner to the respondent by uploading the same on 11.07.2024 and the respondents had erroneously rejected the application of the petitioner by assigning wholly untenable reasons, which deserve to be set aside and the matter remitted back to the respondent for reconsideration of the petitioner's application in accordance with law.

5. *Per contra*, learned counsel to the respondent would reiterate the various contentions urged in the statement of objections and submits that there is no merit in the petition and that the same is liable to be dismissed.

6. Before advertng to the rival contentions, it is necessary to extract the communication dated 12.08.2024 at Annexure-J, which is as under:



*"Dear Sir,*

*Please refer to your application Ref. No. BPC16947007565709 on the subject.*

*You are requested to upload the following rectified / correct document(s) by 02-Sep-2024. To upload rectified / correct document(s) Click Here or login to <https://www.petrolpumpdealerchayan.in/petrol-2023/> so that your application for award of Retail Outlet dealership at the above location can be processed further.*

- 1. Khasra / Khatouni or any other equivalent revenue document or certificate obtained from revenue official confirming the status of ownership of the land, as on the date of application*
- 2. Sketch of the offered land with dimension.*

*Reason:*

- RECENT PAANI OF THE LAND OFFERED TO BE UPLOAD IN SYSTEM.*
- IN SUBMITTED AFFIDAVIT*
- THERE IS A MISMATCH IN APPLICANT'S NAME AND FATHER'S NAME IN 10<sup>TH</sup> MARKSHEET*
- IN PAANI AND PAN CARD. FRESH AFFIDAVIT TO BE SUBMITTED FOR THE SAME.*



- *APPENDIX V TO BE UPLOADED AS PER FORMAT WITH SIGN OF ALL LANDLORDS AND APPLICANTS*
- *NAME MISMATCH IN LAND DOCUMENTS TO BE CLARIFIED*

*Please note that your candidature is liable for rejection without any further notice, in case you fail to upload the above stated rectified / correct document(s) within the stipulated time.*

*Thanking you"*

7. The impugned order at Annexure-G dated 18.11.2024 reads as under:

*"Dear Sir,*

*1. Please refer to your application received by us as Application form No. BPC16947007565709 on the subject.*

*2. Please also refer to our letter dated 12-Aug-2024 wherein you were advised to submit certain documents /corrected documents.*

*3. However, we have not received any response and/or required documents from you within the stipulated time.*

*Reason:*



*Required Documents were not submitted within the stipulated time.*

*4. In view of the above, we regret to inform you that your candidature stands cancelled as per guidelines.*

*5. In case you have any grievance against the rejection of your candidature as mentioned above, you may make your representation by 28-Nov-2024."*

8. According to the petitioner, the aforesaid details and documents had already been submitted by him to the respondents prior to the issuance of the said communication. It is also contended by the petitioner that aforesaid communication, which was purported to have been sent by e-mail was not received by him and as such he could not reply to the same. Alternatively it is contended that the documents sought for by the respondent have already been submitted by the petitioner.

9. On 25.11.2024, this Court passed the following interim order:



" *Heard learned counsel for the petitioner and perused the material on record.*

*In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel for the petitioner invited my attention to the alleged communication at Annexure-J dated 12.08.2024, purported to have been issued by the respondents in order to contend that the said communication was never received by the petitioner, who was not in a position to comply with the demand made therein. It is submitted that though the required documents had already been submitted by the petitioner earlier itself, the respondents proceeded to issue the impugned communication rejecting/canceling the candidature of the petitioner by issuing the impugned communication at Annexure-G dated 18.12.2024, which is assailed in the present petition.*

*Sri. Sunil Kumar Gadkar, learned counsel is directed to accept notice for the respondents.*

*Copies to be served.*

*Re-list on 09.12.2024.*

*In the meanwhile, respondents are directed not to allot the subject petrol bunk in favour of anyone*



*else or take any other precipitative steps till the next date of hearing.*

*Hand delivery of this order is permitted."*

10. Learned counsel for the respondents submits that due to the said interim order passed by this Court, the subject Petrol Bunk/Retail Outlet has not been allotted in favour of anyone else as on today. Under these circumstances, without expressing any opinion on the merits/demerits of the rival contentions, it would be appropriate to provide one more opportunity to the petitioner to submit additional documents, if any, in support of his application for allotment of a dealership/Retail Outlet in favour of the petitioner and in order to enable the respondent to reconsider his application. Additionally, I deem it appropriate to set aside the impugned communication at Annexure-G dated 18.11.2024 and remit the matter back to the respondents for reconsideration afresh in accordance with law.

11. In the result, I pass the following:



**ORDER**

- i. Petition is hereby ***allowed***. Annexure-G dated 18.11.2024 is hereby set aside and the matter is remitted back to the respondents for reconsideration of the petitioner's application for award of Retail Outlet, in accordance with law.
- ii. Petitioner shall appear before respondents on 22.06.2026 without awaiting further notice from the respondents.
- iii. Liberty is reserved in favour of petitioner to submit additional pleadings, documents etc., to respondents, who shall provide sufficient and reasonable opportunity to the petitioner and take appropriate decision/pass appropriate orders on the petitioner's application for award of Retail Outlet, within one month from 22.06.2026.



- iv. It is further directed that petitioner shall produce all additional relevant documents, if any on 22.06.2026, without seeking for extension of time, in any circumstances, whatsoever.

**Sd/-  
(S.R.KRISHNA KUMAR)  
JUDGE**

NJ  
List No.: 1 SI No.: 57  
CT:SI