

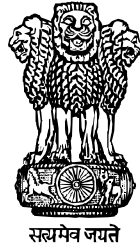
COMMITTEE ON PETITIONS

15

(FOURTEENTH LOK SABHA)

FIFTEENTH REPORT

MINISTRY OF PETROLEUM AND NATURAL GAS



LOK SABHA SECRETARIAT
NEW DELHI

May, 2006/Jyaistha, 1928 (Saka)

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COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

MINISTRY OF PETROLEUM AND NATURAL GAS

(Presented to Lok Sabha on 23 May, 2006)



LOK SABHA SECRETARIAT
NEW DELHI
May, 2006/Jyaishta, 1928 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh—*Chairman*

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2. Shri Raj Babbar
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4. Shri N.S.V. Chitthan
5. Dr. M. Jagannath
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SECRETARIAT

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2. Shri A.K. Singh — *Director*
3. Shri U.B.S. Negi — *Under Secretary*
4. Shri V.P. Gupta — *Committee Officer*

FIFTEENTH REPORT OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Fifteenth Report of the Committee to the House on the representations regarding irregularities in award of Dealerships/Distributorships by Indian Oil Corporation Limited/Hindustan Petroleum Corporation Limited/Bharat Petroleum Corporation Limited and other related issues.

2. The Committee considered and adopted the draft Fifteenth Report at their sitting held on 22nd May, 2006.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

4. For facility of reference observations/recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
22 May, 2006

1, Jyaistha, 1928 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

REPORT

REPRESENTATIONS REGARDING IRREGULARITIES IN AWARD OF DEALERSHIPS/DISTRIBUTORSHIPS BY INDIAN OIL CORPORATION LIMITED/HINDUSTAN PETROLEUM CORPORATION LIMITED/BHARAT PETROLEUM CORPORATION LIMITED AND OTHER RELATED ISSUES

The Committee on Petitions received representations from the following persons regarding irregularities in award of dealerships/distributorships by Indian Oil Corporation Limited (IOCL)/Bharat Petroleum Corporation Limited (BPCL) and other related issues:—

- (i) Representation from Shri Niraj Kumar Singh, resident of 14, Jairaj Basundhara Apartment, Budha Colony, Patna, Bihar;
- (ii) Representation from Smt. Rambha Sinha, resident of Basantpur, District Siwan, Bihar;
- (iii) Representation from Smt. Nisha Singh, resident of Village and Post Raghunathpur, Distt. East Champaran, Bihar;
- (iv) Representation from Shri Ajay Kumar Singh, resident of PO Daudpur, District Saran, Bihar;
- (v) Representation from Shri Subhash Singh, resident of Dharaunda, District Siwan, Bihar;
- (vi) Representation from Shri Tarkeshwar Singh, resident of Village Chandbadwan, PO Bahrolli, District Saran, Bihar countersigned by Shri Rajiv Ranjan Singh 'Lalan', MP;
- (vii) Representation from Shri Sanjeev Kumar, resident of District Saran (Chappa), Bihar countersigned by Shri Vijoy Krishna, MP;
- (viii) Representation from Smt. Sharda Rani Singh resident of Road No. 6, Magath Niketan, Rajiv Nagar, Patna, Bihar;
- (ix) Representation from Smt. Manju Devi, resident of Village and Post Jogiyara 'Jyoli', District Darbhanga, Bihar;
- (x) Representation from Smt. Pramila Singh, Proprietor Bright Gas Agency (IOC), Kolkata forwarded by Shri Brij Bhushan Singh, MP;

2.0 The Committee dealt with the above representations in the succeeding paragraph.

3.0 Representation from Shri Niraj Kumar Singh

3.1 The petitioner stated that he had applied for LPG distributorship of IOCL in Supaul, Bihar in response to an advertisement published on 29.2.04. He was interviewed

for the said purpose on 21.6.04. While Shri Ajay Kumar Singh was empanelled first, the petitioner was declared second. The petitioner represented against the selection of Shri Ajay Kumar Singh and requested that the matter may be examined and he may be allotted Gas agency at the said location.

3.2 The representation was forwarded to the Ministry of Petroleum and Natural Gas (MOP&NG) for furnishing their comments on the points raised therein. In response thereof, the MOP&NG *vide* their communication dated 5th May, 2005 furnished the following comments:—

"An inquiry was conducted by IOC into the complaint made against the selection for the LPG distributorship at Supaul, Bihar. On investigation, it was observed by Investigating Officer that Dealer Selection Committee has awarded marks to the candidates based on documents which was prepared after submission of the application and were submitted at the time of interview thus violating the policy guidelines. As per guidelines, while considering evaluation of documents, the interview committee should not have given cognizance to new documents submitted at the time of interview giving new facts that may change the status of candidates. Capability of a candidate has to be evaluated on the basis of documents submitted at the time of application irrespective of the date of holding interview. It was decided that the merit panel should be scrapped and fresh selection made from amongst the candidates who had appeared earlier in the interview. However, at present there are three Court Cases pending before Hon'ble High Court, Patna in the matter.

In two Court Cases (CWJC No. 9568/2004-Neeraj Kumar Singh vs/IOI & others; CWJC No. 9605/2004-Sangeeta Singh vs. IOC & others) the petitioner has challenged the selection of distributorship at Saupaul and these are listed for hearing.

In the third Court Case [LPA No. 998/2(02) (arising out of CWJC No. 8331/2002) M/s Sangeeta Indane & others vs. IOC & others] the petitioner has challenged the termination of distributorship and Hon'ble High Court has passed an interim order that any allotment of LPG distributorship as per advertisement shall be subject to the result of this petition. The said petition is pending hearing."

3.3 The Committee took oral evidence of the MOP&NG at their sitting held on 06.06. 2005. Regarding LPG location at Supaul, the witness from IOCL stated:—

"The LPG location at Supaul was advertised against one terminated distributor M/s Sangeeta Indane on 29.02.2004. The interview was held between 21/23.06.2004 and accordingly Shri Ajay Kumar Singh was selected as the first empanelled candidate, but no LOI could be issued because of three court cases."

3.4 The MOP&NG *vide* their communication dated 09.09.2005 *inter-alia* stated that the case was examined by a high level two member committee and a gist of findings/

observations of the said committee and also the conclusion arrived at by the committee is as under:—

I. Observations and findings of the two member Committee of General Managers, IOC.

“..... Committee has evaluated first five candidates was made in order of merit for location at Supaul in line with MOP&NG guidelines *vide* letter No. P -180 11.3.2004-MKT dated 13.04.2004. The following is the revised position:—

- (a) Shri Neeraj Kumar Singh, S/o Shri Mahendra Narain Singh-67 (Originally 2nd empanelled candidate).
- (b) Shri Ajay Kumar Singh, S/o Shri Shahidahar Singh-64 (Originally 1st empanelled candidate).
- (c) Shri Manish Chandra Kumar, S/o Late Kapil Dev Mandal-60.7(Originally 5th empanelled candidate).
- (d) Shri Suresh Kumar Agarwal, S/o Late Shankar Lal Agarwal-58.7 (Originally 3rd empanelled candidate).
- (e) Shri Krishnendu Kumar Singh, S/o Late Dr. Trevani Prasad Singh-55.7 (Originally 4th empanelled candidate).

Above review has been done by the Committee based on the documents submitted along with application (not the details/documents submitted during interview). Also Committee has considered marks awarded by the Interview Committee for the criteria wherein assessment that is done during the interaction with the candidates.

It appears the DSC has not followed the laid down guidelines with respect to selection of the candidate and therefore entire selection process stand vitiated.

An advertisement on 29.02.2004 inviting application for LPG Distributorships at Supaul was released against the terminated Distributorship, M/s Sangeeta Indane. This Distributorship was terminated on 16.07.2002 for violation of various terms and conditions of the Distributorship Agriment. Aggrieved by the termination, the Distributor approached Court through various writ petitions/appeals. Selection against the above-mentioned advertisement was made in June, 2004 and one Shri Ajay Kumar Singh was selected. Because of the litigation filed by the terminated Distributor, interim judgement by Hon'ble High Court, Patna, Judgement dated 19.07.2004 that any allotment to the LPG distributor at Supaul subject to decision of the case and also by the second-empanelled candidate and by the wife of the terminated Distributor and two complaints received against the selection, issuance of LOI for the new Distributorship at Supaul has been kept pending. However, contrary to the allegation made in the complaint, BSO records do not have any evidence to show that the selected candidate is an existing Dealer/Distributor of IOC.

II. Conclusion arrived at by the two members Committee

Revised marking done by the present committee reveals the following status of candidates in order of merit which is not in conformity to Dealer Selection Committee merit panel.

Sl. No.	Name of the Candidate	Marks Assessed By		Position of the Candidate in order of merit	
		Committee	DSC	Committee	DSC
1.	Shri Neeraj Kumar Singh	67	74	1st	2nd
2.	Shri Ajay Kumar Singh	64	83.3	2nd	1st
3.	Shri Manish Chandra Kumar	60.7	62.1	3rd	5th
4.	Shri Suresh Kumar Agarwal	58.7	72.7	4th	3rd
5.	Shri Krishnendu Kumar Singh	55.7	67.7	5th	4th

1. Above review has been done by the Committee based on the documents submitted along-with application (not the details/documents submitted during interview). Also committee has considered marks awarded by the interview Committee for the criteria (Experience, Business ability & personality) wherein assessment is done during the interaction with the candidates.
 2. DSE has taken cognizance of documents submitted at the time of interview subsequent to date of application, which is not in line with the guidelines.
 3. First Notice/complaint has been received within 7 days from display of panel. Further, interim order from Hon'ble High Court, Patna dated 19.7.2004 (26 days from display if merit panel) against interlocutory applications being IA NO. 1563 of 2004 in LPA No. 998 of 2002 that any allotment of LPG Distributorship at Supaul as per the advertisement shall be subject to result of this appeal.
 4. The Committee feels that there is no deliberate/malafide intention for such delays. Therefore, any decision on further progress regarding scraping of panel and fresh selection of LPG Distributorship at Supaul from the original applicants against advertisement dated 29.2.2004 cannot be taken in view of directives from Hon'ble Court, Patna where final decision is awaited."
- 3.5 The Committee took further oral evidence of MoP&NG at their sitting held on 05.01. 2006. During the course of evidence, the Committee desired to know the latest position in the case. Explaining the position, the witness from IOCL stated as under:—

" As far as Supaul is concerned, it is true that the Committee appointed by me includes myself and two General Managers and that Committee have brought out the facts, as mentioned by you. Now there are 3 cases pending in the Patna High Court. Today, morning at 11.30 a.m., we got the status of the cases. The cases have not been disposed of and so any allotment of LPG distributorship at Supaul as per the advertisement, shall be subject to the result of this appeal. That is why, this matter is still *sub judicial* and the panel position has changed

now. So, we will have to take further action for re-interviewing the candidates only after the cases get disposed of from the Patna High Court."

3.5.1 When asked about the procedure/guidelines followed for giving priority in case the first empanelled candidate becomes ineligible, for selection of dealers, the witness replied as under:—

" It is done like that provided the selection procedure was right, markings have been given and the first empanelled candidate becomes ineligible due to wrong declaration or something has been found out during the FIR stage. Then, automatically the empanelled candidate No. 1. will go away and the empanelled candidates No. 2 will get the chance. The same is the case if something is wrong with the details furnished or the marks awarded in the case of empanelled candidate No. 2. Then, in that case, empanelled candidate No. 3 will get that. In this case, wrong markings have taken place in all the cases. So, we call it as the interview procedure has got vitiated, We will have to re-conduct the interviews. Since we have not heard from the court and since I came to know that this issue will come up, we asked the lawyer to furnish the details. My colleagues from Bihar got that. There are 3 cases yet to be disposed of..."

3.5.2 On being enquired about the number of places where the interviews were undertaken by the committee which took interview for Supaul, the witness stated:—

"There are different Committees where the marking has gone wrong. I would like to submit, once again, that last time there were 6 cases. Out of that, we found that in 5 cases the markings were wrong."

4.0 Representation from Smt. Rambha Sinha

4.1 Smt. Rambha Sinha of Village Basantpur, Distt., Siwan, Bihar stated that she applied for the LPG distributorship in response to an advertisement on 18.02.2002 for LPG dealership by IOCL, for which she was interviewed on 21.11.2003 at Patna. The petitioner was declared first in the panel prepared for awarding of dealership. All document were persued by the officials and nothing objectionable was found against her. Subsequently, the dealership was awarded to the candidate who was second in the panel. The petitioner requested that justice may be done by awarding dealership to her.

4.2 The representation was forwarded to the MOP&NG on 06.01.2005 for furnishing their comments on the points raised therein. However there was no response from the ministry of the said representation. Subsequently, in their written reply to a questionnaire, the MOP&NG *vide* their communication dated 31.03.2005 submitted as under:—

" After the interview, FIR was conducted for the first empanelled candidate , Smt. Rambha Sinha but letter of Intent could not be issued due to receipt of complaints against the selection.

Shri Lalit Mohan, the third-empanelled candidate after the interview *inter-alia* complained that the empanelled candidates at No. 1 and 2 had not given any

information regarding availability of land in the application form nor given any offer from land owner. On the other hand, he had submitted offer letter (affidavit from his close relatives about the land). Secondly, the empanelled candidates No. 1 and 2 had more sources of funds compared to income shown in the application form. The complainant felt that the scored over candidates at S. Nos. 1 and 2 in all the parameters and he was the best candidate.

Upon investigation of the above complaint, it was observed by Investigation Officer that Dealer Selection Committee had awarded marks to the candidates based on the documents, which had been prepared after submission of the application and submitted at the time of interview thus violating the policy guidelines. While considering evaluation of documents, interview committee should not have given cognizance to new document submitted at the time of interview giving new facts that may change the status of candidates. Capability of the candidates has to be evaluated on the credentials submitted at the time of application irrespective of the date of holding interview.

IOCL has taken a decision to cancel the whole selection process and to conduct the interview afresh. Selection Committee members, who have not followed the guidelines, while conducting interview have also been cautioned by the disciplinary authority....

4.3 The Committee took oral evidence of the representatives of MoP&NG at their sitting held on 06.06.2005.

4.3.1 On being enquired about the investigation against the dealer, the witness from IOCL stated:

" As far as the case of Smt. Rambha Sinha is concerned, we found out through our investigation that the selection committee have awarded marks to the candidate based on the documents submitted at the time of interview. We are going to fix up the responsibility on those people. We have already taken up the matter with committee members."

He further added—

"With regard to issuance of LOI, we have to take fresh interview. There is no question appointing LOI holder."

4.3.2 When the Committee wanted to know whether an inquiry has been conducted against the investigating officer in the matter, the witness submitted as under:—

".....I would like to submit before you that the selection process is cancelled and we have to go back to the Committee because it has been put up on hold. So, we have not proceeded further after the last submission in view of the letter from Lok Sabha Secretariat forwarded by the Ministry of Petroleum and Natural Gas, further action on allotment of distributorship has been kept on hold and we are yet to take action on the errant officers..."

In this regard, the witness, the then Special Secretary stated as under:—

".....I think there appears to be a minor omission on the part of the Corporation. When the petition was forwarded by the Ministry, which was received from the Petitions Committee, the IOC complied with one part of it, but the second thing is that a mistake has occurred. That mistake has been put on hold. But I think we have to find out the offices responsible and ascertain the level of culpability. This has not been done in this case. I think what we will do is we will check up from Indian Oil Corporation as to who are the officers responsible, issue notice to them, hold an inquiry and place the report before the competent authority for orders and then keep the Ministry informed so that in turn we will come back before the Petitions Committee as early as possible."

4.3.3. When the Committee desire to know as to what were the documents submitted at the time of interview on which there were objections. Responding to this the witness stated:—

"As far as the documents are concerned, the documents pertain to land and funds. Whatever is produced at the time of interview should not be given merit. Actually, it should be held at the time of placing the application itself. This is what I was submitting to you."

The witness also stated:—

"In this particular case, whatever documents have been produced at the time of interview should not have been given cognizance. Our interview committee members have given weightage for the documents produced at the time of interview, for example, bank balance. It should be available on the date of application. That is what I said that our people had committed a lapse on this, and we are fixing responsibility for awarding wrong marks. I am submitting this to the Committee."

4.3.4 The Committee desired to know as to what was the fault of the petitioner if she had submitted before the selection board that she had already submitted the documents regarding land and also that she had purchase deed for another land and that it is upto the selection board to choose the land what they think appropriate. Responding to this the witness replied as under:—

"One, I would like to place before the Committee all the documents, whatever pertains to the case. Two, the marks awarded have been found to be not correct. And three, distributorship has not been awarded. It was kept on hold. Therefore, we have not decided on this case. Because of the Petitions Committee, in fact, bringing to our notice, it is put on hold. I will give all the documents to the Petitions Committee, including the document which shows how marks have been allotted for candidate 'A', candidate 'B', candidate 'C', etc. I will place before the Committee all the documents."

The witness added:—

"There is a Committee which actually goes into the selection of the dealers and distributors. When complaints come, there is another person who is entrusted

with the responsibility of conducting the investigation, which is different from the committee which has allotted the marks. Here there is a Chief Manager who has conducted the inquiry."

4.3.5 In response to a query as to whether at the time of application itself, the concerned should submit his bank balance statement and everything, the witness stated as under:—

"No, In fact, we call for interview all the qualifying candidates. Depending on the weightage *i.e.* found available in the passbook or the land availability, appropriate marks are allotted."

On pointing out that in this particular case the candidate produced documents at the time of interview, the witness replied:—

"So, he should not have been given weightage. Our people who have been in the selection committee have given wrongly the weightage of all the candidates. I will place the documents before the Committee. This is what I have submitted to the Chairman."

4.3.6 The Committee desired to know as to whether there were other cases where marks or weightage given wrongly, at this the witness stated as under:—

"Last year we have conducted 2400 interviews. I have got the list of complaints that we have received. About the retail dealership alone, 328 complaints have come. What happens is that the moment interview is over, if there is something wrong, immediately complaints come and we also go into the details. So, these complaints are through the Petitions Committee. We have received 328 complaints on retail selection and another 100 and odd complaints on LPG selection. We are having a separate Department for that."

4.3.7 Responding to the query as to whether there was any screening process or all the candidates who had applied are called for the interview, the witness stated:—

"We have got to meet the minimum eligibility criteria on various aspects. We call the candidates and weightage is given based on their land commitment, their bank balance and educational qualifications. There are various parameters which actually guide us to give 93 marks. They are all based on documents. Now, only seven marks are left to the interview committee. This is the Ministry's latest instruction. From November, 2004, we have brought in a more transparent procedure where the candidate himself can assess how many marks he or she will get."

4.3.8 The Committee desired to know what is the provision regarding FIR & LOI after the result of the interview and whether there is any time limit for this. In this regard the witness stated:—

"In fact, we give a time up to two to three months to lodge a FIR."

The witness further clarified:

"Thirty days from the date of issuing LOIs, not from the date of conducting interviews."

4.3.9 The committee desired to know as to whether there is any time limit for conducting FIR and issuing of LOI.

"The issuance of LOIs varies. The time frame is different. The interview is conducted on the very same day and on the very same day we have to announce the result, even if it is nine o'clock. We ensure that the result is announced on the very same day. After that it take some time for field investigation report etc. That is how he said, two to three months from the date of interview. From the date of issuing of LOI, 30 days is the time frame stipulated by the industry to lodge a FIR."

4.3.10 The Committee desired to investigate all the points raised by the petitioner, responding to this the witness stated as under:—

"Let me submit before the Chairman that GM (Bihar) is also here. As last time also, we had sent the General Manager (Maharashtra) and also retail Dy. General Manager from Mumbai to get these cases investigated. Let me constitute a Task Force on this and then come back to the Committee with all the details you have asked for and place before you the documents. If any injustice is done to anyone, we will rectify it. Definitely, we are paid only to do justice to the people. Let me assure you as director of this company that we will be doing justice to people."

He further added:—

"Let me give you the confidence. I may not have been able to give you satisfactory answers today because to the volley of questions you put and the details you have asked for. I will collect these details and put a special investigation team into that and then, come back to you and submit before you the facts."

4.4 The MoP&NG *vide* their communication date 09.09.2005 *inter-alia* stated that the case was examined by a high level two member committee and a gist of findings/ observations of the said committee and also the conclusion arrived at by the committee is as under:—

Observation and findings of the Committee

FIR dates 31.01.2004 submitted by Shri Deepak Kumar the then Dy. Manager LPG-S), Patna-II, indicates that Smt. Rambha Sinha was associated and documents were examined during FIR.

FIR indicates that no objection might have been raised during FIR by the Officer as contended by the petitioner.

The complaint by 2nd empanelled candidate has given a complaint on 17.12.2003 and not subsequent to FIR dated 31.01.2004. In this complaint Shri Ajit Kumar (2nd empanelled candidate) has mentioned about the dispute of land pending in the Court. However, the complainant subsequently *vide* letter dated 14.02.2004 in reply to Sr. Area Manager, Patna letter 5.02.2004(issued during investigations by Sr. Area Manager, Patna) has submitted documents substantiating the allegation of dispute in the land.

From the records, no such observation is made wherein allegation in substantiated. The hold up in award of Distributorship is on account of complaints received and investigation under progress.

The selection of the Panel is scrapped under approval of ED (LPG), HO *vide* investigation report date 15.12.2004. The sale deed dated 18.11.2003 is subsequent to date of application which cannot be taken cognizance of as per guidelines of MoP&NG under Clause No. 3.10 of MoP&NG letter P-39012/1/1999-IOC dated 9.10.2000. As regard funds the same have been taken into account during award of marks by the Interview Committee.

Conclusions arrived at by the two-member Committee

1. The examination of award of marks by the committee to first five candidates reveals that the DSC has not awarded the marks for different criteria as per the laid down guidelines. The evaluation sheet prepared by the DSC also does not indicate the marks under different sub-criteria.
 2. DSC has taken cognizance of documents submitted by first three candidates subsequent to date of application, which is not in line with the guidelines given under Clause No 3.10 of MoP&NG letter P-39012/1/1999-IOC dated 09.10.2000.
 3. In view of 1&2 above, the selection process is vitiated. The selection is already scrapped under approval of ED(LPG), HO *vide* note ref. VKH/INV/Basantpur/LPG dated 15.12.2004.
 4. Certain delays have taken place for carrying out various activities for which analysis is provided above under observation/findings. The Committee feels that there is no deliberate attempt/malafide intention to harass candidates for such delays. However, due to these delays, the concerned candidates have been put to inconvenience and anxiety.
 5. FIR dated 31.01.2004 conducted by Shri Deepak Kumar the then Dy. Manager (LPG-S), Patna-II is done for the criteria/parameters existing subsequent to the date of application which is not as per the guidelines. The recommendations made by the then Sr. Area Manager, Patna Shri A.K. Gupta for issuance of LOI to the 1st empanelled candidate Smt. Rambha Sinha based on the FIR is also not in order."
- 4.5 In their brief note dated 04.01.2006 the MoP&NG submitted as under:—
- "In continuation to earlier reference by Smt. Rambha Sinha, Chairman Petition Committee has asked that petition be examined by a Committee of Senior Officers. Accordingly a Committee of two GMs was nominated. The finding of the Committee are as under:—
- (i) Dealer Selection Committee (DSC) has not awarded marks for different criterias per the laid down guidelines.
 - (ii) DSC has taken cognizance of documents submitted by first three candidates subsequent to date of application.
 - (iii) In view of 1 & 2 above, selection process was found to be vitiated.

- (iv) Through delay has taken place in carrying out various activities but there is not deliberate attempt/*malafide* intention to harass candidates.
- (v) Field Investigation was done taking cognizance of documents submitted, subsequent to date of application, which is not as per guidelines. The recommendation made by then Sr. Area Manager, Patna, Shri A. K. Gupta, for issuance of LOI to 1st empanelled candidate Smt. Rambha Sinha, based on the FIR, is also not in order,
- (vi) Disciplinary action has been initiated against the DSC members."

4.6 The Committee took further oral evidence of the representatives of the MoP&NG at their sitting held on 05.01.2006. During the course of evidence, the Committee were informed as under:—

"In this case again, as I told earlier, regarding wrong awarding of marks which has been substantiated by the Senior Committee, we were waiting for the petitions committee direction. Now we will have to call for fresh interviews — that is re-interviewing the candidates-as far as the allocation is concerned."

5.0 Representation from Smt. Nisha Singh

5.1 The petitioner stated that she applied for allotment of RO dealership in response to an advertisement by IOCL. She appeared for the interview on 16.10.2003 and was placed 2nd in the merit panel. She had alleged that the selection procedure adopted by officer of OICL was not fair and the candidate who were selected for the dealership did not fulfil the requisite qualification etc. there petitioner, therefore, requested that the matter may be inquired into.

5.2 The representation was forwarded to the MoP&NG for furnishing their comments on the points raised therein. In response thereof, the MoP&NG *vide* communication dated 16.11.2004 stated as under:—

".....the main allegations/contents of the complaint have been inquired into by an enquiry Committee appointed by Indian Oil Corporation Limited (IOC). The findings of the enquiry are as under:—

- (i) With regard to allegation of outside influence on the Committee members, it has not been substantiated.
- (ii) As regards complaint about submission of notarised affidavit/documents from an advocate not having licence of notary, IOC has verified that Shri Azhar Hussain, Advocate who notarised the document of 1st empanelled candidate, had valid permissions to practice as notary for five years from 12.3.2000.
- (iii) With regard to the allegation of delay in announcement of result, IOC has confirmed that laid down procedure for announcing the result was followed.
- (iv) As regards no preference having been given to Ms. Nisha Singh on higher educational qualification IOC informed that both the empanelled

candidates are at par on educational qualification, as per the evaluation criteria.

- (v) Regarding the allegation of no preference on lower age criteria having been given to Ms. Nisha Singh, IOC has stated that both the empanelled candidates are in the same age group of 26-45 years and are at par on evaluation in respect of age.
- (vi) As regards possession of land the IOCL has stated that the first empanelled candidate was having a piece of land in his name prior to the date of application, whereas the 2nd empanelled candidate had arranged it subsequently, prior to interview. This complaint too could not be substantiated.
- (vii) With regard to the credentials of the 1st empanelled candidate, IOCL has stated that the Investigating Officer has no mechanism to find out the credentials of the candidate..."

5.3 In a written reply to a question as to whether the Ministry examined the complaint of the petitioner, the Ministry as under:—

"The complaint is about irregularity in the selection of dealer for IOC's retail outlet dealership at Aamodoi Ka Tola, Narirpur, (Tola Naregir), District East Champaran, Bihar. The complaint has been investigated by IOC and the allegations made have not been substantiated."

5.4. The MoP&NG *vide* their communication dated 09.09.2005 *inter-alia* stated that the case was examined by a high level two members committee and a gist of findings/observations of the said Committee and also the conclusion arrived at by the Committee is an under:-

Observations and findings of the Committee

"***

The candidate has not offered any land at the time of application. The land was offered only at the time of interview.

As per the investigation reports the allegation made by the petitioner could not be substantiated as during cross examination she could not confirm the statements made by her in the written complaints. Committee agrees with the finding of the Investigation reports.

The officer coordinating the interviews process has confirmed that the panel was displayed in the notice board around 6.30 PM.

The allegation of the petitioner was addressed by both the investigation reports submitted by earlier Committees. (The notary has a valid licence to practice). As per the aforesaid investigation report the allegation not substantiated. Committee agrees with the finding.

Since non of the allegation made by the petitioner was substantiated the claim of Smt. Nisha Singh is not justifiable.

Conclusions arrived at by the two-member Committee

1. None of the allegation made by the petitioner and other complaints were substantiated.
2. Certain delays have taken place for carrying out various activities for which analysis has been enclosed separately. The Committee feels that there is no deliberated/*malafide* intention for such delays.
3. This is a 'B' site RO. The dealer select has procured alternate land and further construction of RO is in process."

5.5 The MoP&NG in their brief status note dated 04.01.2006 stated as under:—

"Based on Oral Evidence taken by Committee on Petitions on 6.6.2005, a two members Committee of OOC was formed to investigate the matter. The conclusions arrived at by the two member Committee of OIC, regarding selection of OICRO dealership in East Champaran, Bihar as follows:

- a. None of the allegation made by the petitioner and other complaint were substantiated.
- b. Certain delays have taken place for carrying out various activities. The Committee feels that there is no deliberate/*malafide* intention for such delays.
- c. This is a 'B' site RO. The dealer select has procured alternate land and further construction of RO is in progress.

Current Status:

- a. The Retail Outlet is yet to be commissioned.
- b. Explanations from the officers concerned received and already processed for putting up to the CDA for further orders."

5.6. The Committee took oral evidence of the representatives of MoP&NG on 25.11.2004, 06.06.2005 and 05.01.2006. During the course of evidence, the witness, Secretary, MoP&NG stated as under:—

"I think about the retail outlet with regard to Smt. Nisha Singh, Dr. Kannan will apprise the Committee now. But one thing, as I submitted earlier, is that wherever the Committee had made observations with regard to certain irregularities or defects on the part of the officers, the company has very vigorously followed up disciplinary action and the officers have been brought to book. We wanted to give that assurance to the Committee. I have been told that the concerned documentary evidence has also been furnished to the Committee. A detailed report has been given. So, we would certainly be following it up. We want to thank the Committee of bringing such irregularities to our notice. We will be monitoring these cases more vigilantly in the coming months only to ensure that the companies do not fail in following up these cases. We wanted to give that assurance on behalf of the Ministry....."

5.6.1 On being asked as to what sort of punishment were being given to officers involved in irregularities, the witness from IOCL stated:

"We have the procedure of calling for explanation, charge sheeting and proceeding with the disciplinary action. I have got 16 officers who are involved in these petitions. I have taken action against all the 16. They are at various stages. We have charge sheeted some of them. In some cases, the explanation has come. Some of them are at DGM's level. We have put up to the Chairman who is the competent disciplinary authority. They all will be brought to a logical conclusion because we do not want to take it easy that our officers will conduct some interviews, do some mistakes and go scot-free. We are also not very happy with the situation. Let me admit it to you. Whoever has done something wrong, they will be punished.

Last time also before the conclusion of the meeting I said that we are paid by the Government to do justice to the people and not favour to the people. Therefore, I am bent upon seeing that against these people against whom we are proceeding we will try to take the strictest possible disciplinary action. The competent disciplinary authorities are different for different grades of officers. According to the CDA, whatever punishment they get, certainly we will have to take action against them. We do not want to allow them to go scot-free."

5.6.2 Explaining about the latest position in these matter, the witness from IOCL state as under:—

"..... In fact, there were three Committees which investigated, including the GM's Committee of Mr. Sikha and Mr. Padmakar. The report has been submitted to you. All the three committees found allegations not substantiated. Therefore, the LOI has been issued on 7.1.2005. The LOI issued has been revived on 7.1.05 and the retail outlet is being commissioned awaiting clearance from the statutory authorities. NOC is committed for commissioning this outlet. That is the latest position....."

6.0 Representataion from Shri Ajay Kumar Singh

6.1 The petitioner stated that he applied for allotment of kerosene dealership in response to an advertisement dated 26.05.1998 which was cancelled by IOCL. Thereafter, the same advertisement for dealership was again published in newspaper on 01.09.2000. He applied again for the kerosene oil dealership at Jalapur and was interviewed on 17.11.2003. He was empanelled 1st in the merit panel. However, according to the petitioner, IOCL withheld LOI on the basis of anonymous complaints. The petitioner, therefore requested to enquire into the matter and justice may be given to him.

6.2 The representation was forwarded to the MOP&NG for furnishing their comments on the points raised therein. However, no response was reviewed form them in the matter.

6.3 In their written reply to a questionnaire, the MoP&NG vide their communication dated 31.03.2005 submitted as under.

- "(i) The interview for Indian Oil Corporation Limited (IOC)'s proposed SKO-LDO dealership at location Jalalpur, Distt. Saran Bihar was held on 17-18.11.2003. Shri Ajay Kumar Singh was one of the candidates who had appear for the interview which was conducted by a 3-member Dealer Selection Committee (DSC). Shri Ajay Kumar Singh was placed at No. 1 in the merit panel finalised by DSC.
- (ii) As per guidelines field investigation was to be carried out for Shri Ajay Kumar Singh. In the meantime, three anonymous complaints were received on 18.11.2003. These complaints were filed in line with policy guidelines after approval of IOC's Bihar State Officers. However, another complaint from Shri Satendra Narayan Singh, 2nd empanelled candidate was received subsequently by IOC's Bihar State Officer on 7.1.2004.
- (iii) Shri Satendra Narayan Singh alleged that the DSC, under pressure of some political personality and declared the name of Shri Ajay Kumar Singh as the first empanelled candidate.
- (iv) The complaint of Shri Satendra Narayan Singh was got investigated by Bihar State office of IOC as per existing policy guidelines. Though the allegation of influence of some political personality on the dealer Selection Committee could not be established on investigation, however, it was noticed that award of marks by the Dealer Selection Committee was not in line with the selection guidelines of SKO dealerships. The investigation officer observed that:
 - a. The marks have been awarded by the selection committee members on capability to provide infrastructure facilities (land, godown, etc.) for which there is no provision for evaluation in case of SKO dealerships.
 - b. Irregularities were observed in awarding marks under parameters like age, qualification and capability to provide finance, since the relevant policy guidelines have not been followed.
 - c. Details of each bank account and the amount standing to the credit are required to be given in the application form. However, from the marks awarded to different candidates by the selection Committee members, it appears that the amount as on date of the application had not been considered while evaluating the candidates on finance.
- (v) The investigating officer has stated that the relevant policies have not been followed and therefore, merit panel prepared in this case stands vitiated. Based on the findings, the Bihar state office has recommended cancellation of the merit panel and conducting a fresh selection from amongst the candidates who had appeared for the interview for this location.
- (vi) No further action has been taken in this matter in view of the direction of hon'ble committee on petitions, communicated *vide* Lok Sabha Secretariat

O.M. dated 4.2.2005, pending consideration of the matter by Government."

6.4 The MOP&NG *vide* their communication dated 09.09.005 *inter-alia* stated that the case was examined by a high level two member committee and a gist of findings/ observations of the said committee and also the conclusion arrived at by the committee is as under:—

Observations and findings of the two member Committee

"***

Bihar SO/Patna DO should have conducted the FIR and taken further action to issue LOI by 7.1.2004 (when first valid complaint was received) since a decision was taken not process the Anonymous Complaints.

The clarification was asked by Investigation Officer (IO) in written Question Answer form on 24.12.2004 (not 26.11.2004) for conducting investigations. However, as enquired from Shri K. K. Thakur on 15.6.2005, no satisfaction was expressed by Shri K. K. Thakur in favour of Shri Ajay Kumar Singh, 1st empanelled candidate.

As per recommendations made in Investigation Report by IO the merit panel stands vitiated and requires a review. The further process is held up on the advise of Petition Committee/MOP&NG as mention in HO letter dated 23.3.2005. However, there are no evidence available for any political pressure for the issue.

Conclusions arrived at by the two-member Committee

1. The examination of award of marks by the committee to first five candidate reveals that the DSC has not awarded the marks for different criteria as per the laid down guidelines. The evaluation and marks have been awarded by DSC members on capability to provide infrastructure facilities, which is against the laid down guidelines. Irregularities have been observed in award in marks under Age & Qualification criteria by DSC members.
2. In view of above, the selection process in vitiated and the merit panel is scrapped.
3. Bihar SO/Patna DO should have conducted the FIR and taken further action to issue LOI during the period from date of merit panel display to complaint received on 7.1.2004. To that extent, there is harassment to the 1st empanelled candidate. However, the Committee feels that the further process of issuance of LOA would have been kept in abeyance since a valid complaint was received on 7.1.2004. Moreover, as per the investigations carried out, the merit panel stands scrapped and fresh interviews proposed.
4. Certain delays have taken place for carrying out various activities for which analysis is provided as above. The Committee feels that there is

no deliberate/*malafide* intention for such delays. However, due to certain delays the concerned candidates have been put under inconvenience and anxiety."

6.5 The MoP&NG in their brief status note dated 04.01.2006 stated as under:—

"IOCL advertised the location in September 2000 and the interview for the location was conducted on 17th, 18th November 2003. Certain anonymous complaints were received by IOC including one complaint from Shri Satyendra Narayan Singh on 7.1.2004.

DGM, BSO, has nominated Shri K. K. Thakur SLM BSO as an investigating officer on 29.10.2004 for the subject selection. The investigating officer has recommended *vide* report dated 31.1.2005 for cancellation of the merit panel, as the selection committees has not followed the laid down norms in awarding the marks for the various parameters thereby vitiating the selection process.

Subsequently, the 1st empanelled candidate Shri Ajay Kumar Singh made a representation dated Nil & reference Nil to the Committee of Petitions of Lok Sabha on the inordinate delay in his appointment. This was forwarded to IOC by MoP&NG letter dated 21.2.2005 with an advise for a complete enquiry.

Director (Marketing) on 6.6.2005, nominated a two-member committee comprising of Shri V. C. Sikka GM (RS) NR, and Shri I. Koti Padmakar GM (RS) ER. To make a complete review and investigate the entire Selection process of the subject case.

The above committee investigated the case by taking cognizance of the report of Shri K. K. Thakur and by persuing various other documents with the following conclusions:—

- (i) The award of marks, for the various parameters, by the selection committee is not in line with the laid down norms of the policy and hence the selection process is vitiating and the merit panel is scrapped.
- (ii) The Committee felt that BSO/Patna Do affected the interest of the first empanelled candidate to some extent due to the delay in issuing LOI. The committee also felt that issuance of LOA would have been kept in abeyance since complaint was received at a much later date.
- (iii) Though certain delays have taken place for carrying various activities the committee feels that they were not deliberate and with no *malafide* intention. Since the selection process is vitiating, re-interviews are planned. Explanations from the officers concerned have been received and processed for putting up to the CDA for further orders."

6.6 The Ministry were requested to furnish their views and action taken by IOCL on the decision of High Court of Patna in the matter. In this regard, during the course of oral evidence on 05.01.2006 the Committee desired to know the information furnished by IOCL to the Court. Responding to this, the witness replied as under:—

"As off now, we do not have any further update on this. We would collect it immediately and furnish to the Committee."

7.0 Representation from Shri Subhash Singh

7.1 In response to an advertisement dated...01.9.2000 given by IOCL, the petitioner applied for distributorship of Kerosen at Dharounda in Siwan Distt. for which interview was held on 22.11.2003 and he was declared first. On the basis of a complaint against him no LOI was issued to him and his selection was with held. The petitioner allege that and enquiry was constituted against him with *malafide* intention the officials of the Company. The petitioner requested that the matter may be investigated and he may be issued LOI.

7.2 The representation was forwarded to the MOP&NG for furnishing their comments on the points raised therein but no reply was received from them. However, in a written reply to the questionnaire, the MOP&NG *vide* their communicated dated 31.03.2005 stated as under:—

- (i) The interview for Indian Oil Corporation proposed SKO-LDO dealership was held on 21/22.11.2003. Shri Subhash Singh was one of the candidate who have appeared for the interview which was conducted by a 3-member Dealer Selection Committee (DSC) as per approved selection guidelines. Shri Subhash Singh was placed at No. 1 position in the merit panel finalised by the DSC.
- (ii) As per guidelines, Field Investigation was carried out for Shri Subhash Singh. However, before the LOI could be issued, a complaint dated 10.12.2003 against the selection was received from Shri Anand Pratap Shahi. In view of the complaint, issuance of LOI to Shri Subhash Singh was kept pending.
- (iii) The complaint alleged the following:—
 - (a) The Matriculation certificate of Shri Subhash Singh is forged;
 - (b) Land for godown is 6 KM away from Daraundha;
 - (c) Money shown in the bank account does not belong to him;and
 - (d) Shri Krishna Singh, brother of Shri Anil Singh (resident of Siwan) who is the owner of 3-4 petrol pumps has got this application made through Shri Subhash Singh.
- (iv) A registered letter was sent to the complainant to visit the Bihar State Office of IOC with all the supporting documents. The complainant did not visit IOC office on the due date. Later on, he submitted a letter and an affidavit in August, 2004, mentioning that no complaint was lodged by him against the subject selection.

- (v) Notwithstanding what has been mentioned above, investigation has been conducted as per IOC's policy guidelines and the findings are as under:—
 - (a) An application has been made to Secretary (Vigilance Cell), Bihar School examination Board, Patna in October, 2004 to verify the authenticity about the matriculation certificate. The same is yet to be verified.
 - (b) The first-empanelled candidate, Shri Subhash Singh, confirmed that the identified land is 5 km away from the location in Daraundha. However, the advertisement for dealership did not specify any requirement of land. On perusal of the merit panel and mark sheet, it has been noted that the candidate has been given preference for the land by the Dealer Selection Committee and marks awarded accordingly. No marks should have been awarded for land as per the guidelines.
 - (c) The allegation regarding the candidate being the dummy of one Shri Krishna Singh could not be substantiated.
 - (d) The selection committee has awarded marks under "capability to provide land/infrastructure", which is not applicable for SKO-LDO dealership.
 - (e) The candidate *prima facie* has been wrongly marked by the dealer selection committee under the heads "Banker's Certificate for Creditworthiness". "Other Assets" and "Experience".
 - (f) The selection committee, while making selection, has relied on documents furnished by some of the candidates after the date of the application, in contravention to the laid down guidelines.
 - (vi) Based on the findings, IOC's Bihar State Office has recorded that since there is deviation from the policy guidelines while awarding marks and documents submitted after the date of application have been relied upon, the entire selection process has been vitiated and, as such, fresh selection should be made from amongst the candidates who has appeared for the interview held for this location.
 - (vii) It has also been stated by IOC that in case the verification by the Bihar School Examination Board establishes that the matriculation certificate was forged, legal action against Shri Subhash Singh will be considered.
- ***
- (ix) Normally, the Letters of Intent (LOIs) are issued by the OMCs to the selected dealers/distributors within 30 days from the date of completion of interview. However, on occasions, the issue of LOIs gets delayed owing to various factors like complaints received and inquires thereon, court cases, etc."

7.3 The MOP&NG *vide* their communication dated 09.09.2005 *inter-alia* stated that the case was examined by a high level two member committee and a gist of findings/ observations of the said committee and also the conclusion arrived at by the committee is as under:—

Observations and findings of the two-member Committee

"***

Yes, FIR was conducted on 13.12.2003 submitted on 15.12.2003 and CDRSM, Patna DO recommended on 02.01.2004 for grant of approval for issuance of LOI in favour of Shri Subhash Singh.

This is true that a complaint was made by Shri Anand Pratap Shahi received on BSO on 2.1.2004 *vide* HO letter dated 29.31.2.2003. Investigation officer recommended for review of selection and approved fresh interviews due to vitiated selection process.

Yes, an Affidavit was submitted in the name of complainant, Shri Anand Pratap Shahi stating that complaint was not made by him. However, investigation continued since it was concluded by the investigation officer that the documents submitted with the complaint are normally available with the complainant. Also the signature of the complainant matches with the signature in the application form (Shri Anand Pratap Shahi).

DGM (RS), HO *vide* letter ref. 6069 (DSC) dated 30.12.2004 has advised DGM, BSO.

- i. To take conduct fresh interviews as per the current guideline.
- ii. To verify Matriculatic Certificate submitted Shri Subhash Singh and initiate legal action against Shri Subhash Singh in case the same is found forged.

BSO *vide* Lotus Mail message dated 24.3.2005 advised HO/RS that the Matriculation Certificate submitted by Shri Subhas Singh is not forged. HO/RS *vide* Lotus Mail message 20.12.2004 advise BSO not to take any further action for the subject selection.

BSO *vide* Lotus Mail message dated 24.3.2005 advised HO/RS that the Matriculation Certificate submitted by Shri Subhash Singh is not forged. HO/RS *vide* Lotus Mail message 20.12.2004 advise BSO not to take any further action for the subject selection.

The selection is required to be done by fresh interviews since earlier selection process was not done as per the guidelines/policy.

Conclusions arrived at by the two-member Committee

1. The examination of award of marks by the Committee to first five candidates reveals that the DSC has not awarded the marks for different criteria as per the laid down guidelines. The evaluation and marks have been awarded by DSC members on capability to provide infrastructure facilities, which is against the laid down guidelines.
2. In view of 1 above, the selection process is vitiated.

3. Though, Shri Anand Pratap Shahi submitted an Affidavit during the Investigation that the original complaint is not made by him, the process of continuing Investigations by Investigating Officer which is not in order.
 4. Bihar SO/Patna DO should have taken further action to issue LOI during the period from the date of FIR *i.e.* 13.12.2003 to receipt of complaint *i.e.* 2.1.2004. To that extent, interest of 1st empanelled candidate got effected. However, the Committee feels that the further process of issuance of LOA would have been kept in abeyance since a valid complaint was received on 2.1.2004. Moreover, as per the investigations carried out, the merit panel strands scrapped and fresh interviews proposed.
 5. Certain delays have taken place for carrying out various activities for which analysis is provided as above. The Committee feels that there is no deliberate/malafide intention for such delays. However, due to certain delays the concerned candidates have been put under inconvenience."
- 7.4 In their brief note dated 04.01.2006, the MoP&NG submitted as under:—
- "IOCL advertised the location in September 2000 and interview was conducted on 21st-22nd November 2003. Shri Subhash Singh was empanelled as a 1st candidate. A complaint was received against the selection from Shri Anand Pratap Shahi on 2nd January 2004.
- Based on the above, an investigation was carried out by the Bihar State Office through Shri V.K. Handa the then CCSM of BSO as an investigating officer.
- As per the recommendation of the report dated 29.11.2004 of the investigating officer, DGM BSO has recommended for conducting fresh interviews from among the candidates who had appeared for the interview, by cancelling the merit panel.
- In the meanwhile, a representation having ref. Nil & dated Nil, was made by the 1st empanelled candidate Shri Subhash Singh, to the Committee of Petitions of Lok Sabha on the inordinate delay in his appointment.
- Director (Marketing) nominated a two-member committee on 6.6.2005 comprising of Shri V.C. Sikka GM (RS) NR, and Shri I. Koti Padmakar GM (RS) ER, to review and investigate the entire selection process of the subject case. The above committee investigated the case by perusing various other documents with the following conclusions:—
1. The award of marks by the selection committee is not in line with the laid down norms and hence the selection process is vitiated.
 2. The process of continuation of investigation by the investigating officer is not in order as the complainant Shri Anand Pratap Shahi has submitted an affidavit claiming that he has not made the complaint.
 3. The Committee feels that the interest of the first empanelled candidate Shri Subhash Singh got affected due to the delay in issuing LOI by BSO/

Patna DO. The committee also felt that issuance of LOA would have been kept in abeyance since complaint was received at a much later date.

4. Though certain delays have taken place for carrying out various activities the committee felt that they were not deliberate and with malafide intentions. Since the selection process is vitiated, re-interviews are planned. Explanations from the officers concerned have been received and processed for putting up to the CDA for further orders."

7.5 The Committee took oral evidence of the representatives of the MOP&NG at their sitting held on 05.01.2006, the witness from IOCL stated as under:—

"This case came up for discussion in the Petitions Committee last time also. In fact, a committee investigated these six cases and the findings of the committee were submitted to you where it was stated that we should not have given marks for infrastructure for SKO-LDO dealership. It is a deviation from the policy and therefore we have said that the merit panel should be scrapped because the interview itself is vitiated. All the candidates have been given wrong marks. So, as I submitted to you, out of six cases, five were given wrong marks. And whatever has been done that, we are taking action against them, but we will be guided by you."

8.0 Representation from Shri Tarkeshwar Singh

8.1 The petitioner stated that he appeared in the interview for selection of retail outlet dealership on 14.06.2005. However, a person was selected for the dealership who did not fulfil the requisite standard for the same. The petitioner alleged that a number of irregularities were committed in selection of dealership which are stated to be as under:—

- (i) He has been awarded less marks on the issue of land and ability for investment;
- (ii) Selected candidates has no experience as fleet operator or transporter. He did not have even a vehicle;
- (iii) He has about his 20 own vehicles; and
- (iv) His residence is within 2 km from the location whereas the selected candidate has his residence at a distance of 16 km from the location.

The petitioner, therefore, requested that investigation into the irregularities committed in selection of the dealership may be conducted and LOI may be issued in his favour.

8.2 The MoP&NG were requested to furnish their comments on the points raised in the representation. But no comments were received from them.

However, in response to a questionnaire, the MoP&NG *vide* their communication dated 28.12.2005 stated as under:—

"BPCL had a proposal for retail outlet at location Maghar, District Siwan, Bihar earmarked for Fleet Operators. The location was advertised and interviews held on 14.6.2005. Shri Rajesh Kumar Singh was selected as the 1st empanelled candidate. Shri Tarkeshwar Singh was one of the unsuccessful candidates for this location and he has submitted a representation that he has not been awarded marks correctly and has alleged irregularities in the selection. BPCL has informed that the selection has been done in accordance with their guideline for selection of retail outlet dealers. No irregularities were observed in the selection process.

As regards the petitioner's allegation that he was not awarded full marks for the criteria of ability to provide land and infrastructure as well as finance, it is stated that Shri Tarkeshwar Singh was awarded 20 marks out of 30 inspite of the fact that he has land in his name. Land of the selected candidate was found false and fake. He was awarded 15 marks out of 20 for ability to invest Rs. 20 lacs, although he had produced certificate in the form of KVC, NSC etc. to the tune of Rs. 24 lacs. The investment required to be made by a successful candidate for this retail outlet proposal was mentioned as Rs. 20 lacs in the advertisement. As per the guidelines for selection of retail outlet dealer, the criteria for awarding remarks for financial capability have been classified under three category - liquid - maximum marks 12, fixed and moveable assets - maximum marks 4, income - maximum marks 4.

However, while awarding marks under this criteria, it has been specified in the guidelines that only own funds will be considered for award of marks. Though Shri Tarkeshwar Singh had produced certificates totalling Rs. 26.97 lacs for substantiating his financial worthiness, only a part of the same was his own funds. The balance belonged to his father, friends and in form of a letter from Banks. He had also indicated that he owns a Jeep and has an annual income of Rs. 1.51 lacs per annum. Hence, considering the above. Shri Tarkeshwar Singh was correctly awarded 15 marks out of the maximum specified marks of 20 under this criteria of financial capability."

The fact that the selected candidate is unemployed has no bearing on the merits of his selection, as it is not one of the eligibility/evaluation criteria. The selected candidate had provided proof of ownership of vehicles in his wife's and father's name and had given declaration of having 26 vehicles attached to him.

He had his own vehicle and about 20 vehicle are attached to him for which he has given requisite affidavit from the owners.

The Selection Committee had taken note of the fact that Shri Tarkeshwar Singh had his own vehicle and about 20 vehicles attached to him. However, selection is not made on this criteria alone and the relative merits of the candidate is assessed on various parameters.

The selection was based on various evaluation criteria like capability to provide land infrastructure possibility to arrange financial, educational, qualification, etc. The evaluation criteria has laid down marks for each parameter and scope for discretion of the Selection Committee is limited."

8.3 Subsequently, the MoP&NG *vide* their communication dated 04.01.2006 submitted their brief note containing more or less the same comments as stated above.

8.4 The Committee took oral evidence of the representatives of the MOP&NG at their sitting held on 05.01.2006. During the evidence, the witness of BPCL explained about the marks given to the petitioner and the selected candidate for various inputs/ documents as under:

"In this case the complainant who was put as a number two candidate has raised three issues. One is he said that for land he has got only 20 marks whereas it should have been 35 marks. The submission is that in this case, it was a dealer-controlled site, under the fleet-operator category which we evaluate for 85 marks and 15 marks are removed. Therefore, land is only 20 marks and Shri Tarkeshwar Singh has been given full 20 marks as far as this particular location is concerned. So, he has got marks as far as the land is concerned."

Explaining about giving marks on financial status, the witness stated:

"15 marks have been given out of which it is on the basis of liquid cash shown as Rs. 11 lakh, fixed moveable assets Rs. 2 lakh, income rupees one lakh and one and a half lakh. Therefore, out of 20, he has been given 15 marks and credit worthiness, out of five, he has got 4.57 marks."

The witness added:—

"The first candidate has got 16 marks and the basis of which was that he has got Rs. 13 lakh, fixed movable assets Rs. 2,00,000, same as in the case of Shri Tarkeshwar."

As regards the variation in marks, the witness stated:—

".....Shri R.K. Singh got 16 marks for financial status and Shri Tarkeshwar Singh got 15. Since in credit worthiness he had shown 9 lakh rupees, he got 4.57 marks out of 5. Shri R.K. Singh had shown Rs. 20 lakh so he got 5 marks..."

In this regard the witness further added:—

"Sir, there were 15-16 for finance. Credit worthiness as separate marks. It has 5 marks. Out of this Shri Tarkeshwar Singh got 4.57 and 5 marks to Shri R.K. Singh. Therefore, 21 and 19.57 marks for finance. For other marks, tied volume under fleet category is included. He comes with an affidavit giving the number of lorries attached to him and owned by him. Based on that, volume assessment is done as to how much business he can generate. On the basis, Mr. Tarkeshwar got 9.33 marks and Mr. Rakesh Kumar Singh got 16 marks. On the basis of this Shri Tarkeshwar Singh got 9.33 marks and Shri Rakesh Kumar Singh get 16 marks. It is because he had shown more vehicles tied up which showed a volume over 200 KL and the other person showed volume of 170 KL."

8.5 Subsequently, the Committee came to understand that there were certain discrepancies in the selection of dealership as were found during investigation in the matter and accordingly fresh interviews were proposed for the selection of the dealership.

9.0 Representation from Shri Sanjeev Kumar

9.1 The petitioner stated that he applied for retail outlet dealership in response to an advertisement for location Amnor, Distt. Saran, Bihar, for which the interview was held on 24.12.2005. After the interview, Shri Dashrath Singh was selected. The petitioner alleged that the selection of Shri Dashrath Singh was illegal as he furnished wrong information in the application as well as at the time of interview. In this context, the petitioner alleged that the land offered by Shri Dashrath Singh did not have clear title and that he was suffering from paralysis. The petitioner, therefore, requested that the inquiry may be conducted into the matter and justice may be granted to him.

9.2 The representation from the petitioner was forwarded to the MoP&NG to furnish their comments on the points raised therein. In their response, the MoP&NG *vide* their communication dated 24.02.2006 stated as under:—

"2. HPCL have reported that they have received a complaint from Shri Sanjeev Kumar, 2nd empanelled candidate against the first empanelled candidate Shri Dashrath Singh that the land offered by the 1st empanelled candidate is not having clear title and cannot be leased to HPCL as the same is a disputed land. In view of the complaint, the Letter of Intent was not issued to the 1st empanelled candidate, Shri Dashrath Singh. Further, the search report is being carried out through a competent Advocate for the land offered by the 1st empanelled candidate.

3. HPCL have further reported that as per their established Grievance Redressal Procedure, the complaint would be fully investigated and the investigation report would be reviewed by the competent authority i.e. GM-East Zone and the final decision would be taken based on the outcome of the investigation report. The speaking order would also be issued by the competent authority to dispose off the complaint."

9.3 The MOP&NG further informed *vide* communication dated 31.03.2006 as under:—

"...The investigation in the case is yet to be completed, as HPCL is waiting for certain documents/information for which they have approached different agencies. A final decision on the complaint can be taken by the Company only after the ongoing investigation is completed and the investigation report is considered by the competent authority in the Company. However, the latest position of the case, as intimated by HPCL, is briefly mentioned hereunder...."

2. Shri Dashrath Singh, the first empanelled candidate, had offered two plots of lands, along with copies of registered lease deeds, under (a) Survey No. 208 with Shri Baliram Singh and (b) Survey No. 207 with Shri Dilip Singh, and these two plots of land, put together, met the requirement of plot of land at the advertised location. Shri Sanjeev Kumar, the second-empanelled candidate, complained about clear title to the land offered by Shri Dashrath Singh. The present position *vis-a-vis* the complaint, as obtained from the Company is indicated below:—

- (i) It has been alleged that plot No. 208, taken on lease by Shri Dashrath Singh from Shri Baliram Singh, does not belong to the latter. The allegation is not correct. The Right Title Interest of the land rests with the owners, and Shri Baliram Singh is the sole legal heir of the owner.
- (ii) It has been alleged that plot No. 208 has been mortgaged by a relative of Shri Baliram Singh to a Bank for a "tractor loan."

The matter is being verified with the Bank.

- (iii) It has been alleged that there is an Application under Section 144 of CrPC applicable on the entire land of plot No. 208.

The contention raised in the CrPC 144 Application does not stand and the case has been dismissed as withdrawn by the Court.

- (iv) It has been alleged that the land (plot No. 207) leased by S/Shri Dilip Singh and Yogendra Singh to Shri Dashrath Singh, is also owned by their paternal uncles.

HPCL's Advocate is trying to obtain the written partition document to show the share-holding of Shri Dilip Singh in the subject land.

- (v) It is alleged that 1st empanelled candidate is suffering from paralysis.

HPCL is getting the 1st empanelled candidate examined by Civil Surgeon/Govt. Medical Officer.

3. In view of the ongoing investigation into the complaint, HPCL has not issued 'Letter of Indent' to the 1st empanelled candidate."

9.4 The MoP&NG furnished the latest status on the representation of the petitioner *vide* communication dated 17-04-2006 as under:—

- "(i) The allegation is not correct. The right and the title of the interest of the and for 4 cottahs under Khata no. 14, survey No. 208 of khaitani land is the ancestral property of Shri Shivprasad Singh, the father of Shri Baliram Singh. And, Shri Baliram Singh has the peaceful possession of the same as per title certificate and possession note No. 84 dated 7.4.2006 issued by the Circle Officer, Amnour. The same has been leased by Shri Baliram Singh to Shri Dashrath Singh, the 1st empanelled candidate.
- (ii) The total area of plot under survey No. 208 has 8 cottah and 1 dhur. Out of which, 4 cottah and 1 dhur is in possession of Shri Ramparvesh Singh, which was not given on lease to 1st empanelled candidate, Shri Dashrath Singh. Instead, the other 4 cottah of land belonging to Shri Baliram Singh was given on lease to Shri Dashrath Singh on 12.09.2005 and the same was not hypothecated to SBI for any loan as confirmed by SBI under their letter dated 21.03.2006.

Further, SBI *vide* their letter dated 11.2.2006 have confirmed that there are no dues against tractor loan taken by Shri Ramparvesh Singh and the leased property khata no. 14, survey No. 208 is free from mortgage.

- (iii) The contention raised in the CrPC 144 application does not stand and the case has been dismissed as withdrawn *vide* order dated 29.12.2005 of the Sub-Divisional Officer, Marhora.
- (iv) The land under Khata No. 247, survey No. 207 is an ancestral joint property. This land was recorded in the name of late Shri Shivnandan Singh, who had three sons namely S/Shri Duna Singh, Dashrath Singh and Devi Singh (three shareholders). Wife of late Shri Duna Singh, legal heiress, has gifted her share/interest in the joint property in favour of Shri Rajendra Singh, son of Shri Dashrath Singh *vide* Gift deed dated 22.2.1983.

The three sons of Shri Dashrath Singh namely, S/Shri Rajendra Singh, Jogendra Singh and Dilip Singh, have executed a Memorandum of Understanding giving their confirmation and authorization/No objection to the said lease deed No. 2593 dated 12.9.2005 registered at marhora between Shri Dilip Singh for 6 cottah of land under survey No. 207 in favour of Shri Dashrath Singh.

As per the search report of the Advocate and the non encumbrance report of the Sub-Registrar dated 25.1.2006, there is no dispute and no court case is pending in any court of law and the property is free from all encumbrances.

- (v) According to the Investigation Report, Shri Dashrath Singh met with a road accident and was hospitalised. It is evident from the medical certificate dated 23.3.2006 issued by Dr. Brajesh Kr. Singh, Civil Asstt. Surgeon stating that Shri Dashrath Singh is not suffering from paralysis. Moreover, Shri Dashrath Singh appeared in person on 5.4.2006 before the committee for the subject investigation and it was found that he was not suffering from paralysis.

9.5 The Committee took the oral evidence of the representatives of the MoP&NG at their sitting held on 18.04.2006. The witness from HPCL stated as under:—

"I want to inform you that the petition received from Sanjeev Kumar, contains five points which were investigated in detail and we got all the relevant documents which we wanted to and after going through all these we found that the selection of dealerships was correct."

The witness also stated:

"In this regard, the petitioner said that he had paralysis and could not run dealership. In this context, we got a certificate from surgeon Dr. Brajesh Kumar Singh. He said that he is not suffering from paralysis in any limbs. He had given reason that in November, 2005 that he met with an accident in which his hip was fractured. He was under treatment, he is an orthopaedician. He said that as a result thereof, he has to take the help to walk. We have also quoted in our written reply. There was an accident and there is no problem like paralysis. In this regard, all the documents have been taken from the relevant authority and all these attached with the written reply."

9.6 The Committee inquired as to whether the Ministry is satisfied with the witness, the Secretary MoP&NG responded as under:

"I think our recommendation is that it be dropped because the doctor's certificate, the concerned district authority's certificate on the ownership-everything is available on record as he mentioned. It is authentic authority. It is not bogus authority. Authentic authorities have certified. Our view is that the Committee may please consider the certificates."

10.0 Representation of Smt. Sharda Rani

10.1 The petitioner stated that she submitted an application for LPG Distributorship at Bausi, Distt. Banka, Bihar in response to an advertisement published on 18.02.2002. After verification of documents, she was directed to appear before the Dealer Selection Committee on 09.10.2003 and she was interviewed. On 10.10.2003, a list of short listed candidates in order of merit was displayed and the name of Shri Sanjiv Kumar Sah was at S. No. 1 in the list. According to the petitioner, the names of short listed candidates ought to have been displayed on the same day i.e. on 09.10.2003 in terms of guidelines issued by the Government of India but she has alleged that the same was deliberately violated these guidelines. The petitioner alleged that Shri Sah is in distant relation of the Manager posted in Patna who negotiated/managed of the member of the Selection Committee to favour the said candidate. The petitioner, therefore, requested that the matter may be enquired and till then conducting of FIR and issuance of LOI be with held.

10.2 The MoP&NG were requested to furnish their comments on the points raised in the representation. The MOP&NG *vide* their communication dated 04.01.2006 submitted as under:

"IOC has reported that LPG distributorship at Bounsi was restored under 'Open' category in Marketing Plan 1999-2000. Interview for selection of LPG distributor was held on 19.10.2003 and Shri Sanjeev Kumar Sah was placed 1st in the merit panel, Shri Sachidanand Jha was placed 2nd and Shri Rakesh Ranjan Bhagat was placed 3rd in the merit panel.

The complaint was investigated by Vigilance Department of IOC. The file was closed with due approval of CVO, IOC.

LOI to 1st empanelled candidate Shri Sanjeev Kumar Sah was issued on 04.11.2003 and subsequent to completion of investigation by vigilance the distributorship has been commissioned on 22.06.2005.

In the representation dated 2nd May, 2005, Smt. Sharda Rani Singh has not brought out any new facts and allegations not covered in the earlier complaint. In the current representation she has only referred to her earlier complaint and the investigation carried out by IOC.

In view of the above no further action is to be taken."

10.3 The Committee took oral evidence of the representatives of the MoP&NG on 05.01.2006. During the course of evidence, the witness of IOCL stated:

"This case has been examined by the Vigilance Department. They found that the irregularities as alleged have not been substantiated and the charges of corruption against IOC officials have not been proved. So, we have issued the LOI 4th November, 2003. Vigilance has given clearance for commissioning the distributorship and we have commissioned the distributorship on 22nd June, 2005."

On being enquired as to whether the petition could be dropped, the witness stated:

"Because the vigilance investigation has not brought out any fact, we think that it should be dropped."

11.0 Representation from Smt. Manju Devi

11.1 The Petitioner stated that she had applied for LPG distributorship at Jale, Distt. Darbhanga, Bihar in response to application invited by the BPCL. She was interviewed on 10.06.2004 for the said purpose. The petitioner alleged that there were irregularities in the selection of dealership and therefore, requested that no FIR be conducted or LOI be issued before the matter is enquired into.

11.2 The MOP&NG were requested to furnish their comments on the points raised in the representation. The MOP&NG *vide* their communication dated 04.01.2006 submitted as under:

"BPCL advertised the location for setting up of a LPG distributorship under 'open' category on 6th September, 2000. The interview for the location was held on 22nd/23rd February, 2001 by erstwhile Dealer Selection Board. The result was not announced by the Chairman of the DSB as there was some dispute relating to the marks allotted by other DSB members. However, the panel received by the company indicated that Smt. Manju Devi was not in the list of Short-listed candidates.

As per the then prevailing guidelines, the merit panel was required to be released within 24 hours of the interview. In this case, due to the dispute amongst the selection committee members, the panel was not released on time and hence it was realized that the selection process has been vitiated. In view of this, it was recommended by BPCL that the panel prepared by the selection committee should be considered as lapsed and fresh interview be held for the selection of candidate for the aforesaid location. Ministry agreed with the recommendation of BPCL in the matter and same was confirmed to BPCL on 21.04.2004."

11.3 The Committee took oral evidence of the representatives of the MoP&NG on 05.01.2006. During the course of evidence, the witness of BPCL stated:

"The interviews were held in Jale. There were originally 39 people who had applied, out of which 20 appeared for the interview. The interview was held on 10th of June in Patna. The selected candidates in the order were: Sumesh Kumar Mehta, Ram Prawash Thakur and Hemant Kumar Jha. A complaint has been given by Manju Rani Devi saying that there was corruption in this particular

case, that she had seen them with BPC officers having dinner. We have checked up with the Selection Committee officers. They have said that they have not had dinner with her on that particular date. The persons whose names she has given were not members of the Selection Committee. It is, Mohanty, Khan and A.C. Ray. The Committee comprised U.S. Roy, Pannirselvan and A.K. Ray. I am not very sure whether she means A.K. Ray or A.C. Ray. That is the only issue we have not been able to figure out. The point about her land availability and financials has been taken into account by the Committee. The first candidate owned the land. In this case, she was going to get the land on lease from her father-in-law. The money offered by the first candidate also was about Rs. 6.5 lakh whereas she had Rs. 7 lakh. So, in terms of the total, she is not even in the first three. These are the facts we have got. Anything more you would want, we will let you know of them. It is also commissioned."

12.0 Representation from Smt. Pramila Singh

12.1 The petitioner stated that she was running Bright Gas Agency. During August 2000 her Agency was investigated by vigilance of IOCL and allegation of release of bogus LPG connections was imposed on her. In December, 2004, IOCL imposed the penalty amounting Rs. 1.5 lacs, which was deposited by her. IOCL had again issued a notice in July 2005 for payment of penalty of Rs. 1.32 lakhs for release of 41 unauthorized LPG connections. The petitioner requested that IOCL be advised not to take any action against her as she had deposited the penalty in 2004 and had already suffered a lot.

12.2 The MoP&NG were requested to furnish their comments on the points raised in the representation. The MoP&NG *vide* their communication dated 04.01.2006 submitted as under:

- "1. Certain malpractices and irregularities were detected by Vigilance in the working of M/s. Bright Gas, Kolkata and IOC had proposed to take action against the distributorship. Ms. Jayaprada Nahata in her letter dated 31.08.2001 raised the issue with the then MOS in the MoP&NG.
2. MOP&NG *vide* letter dated 18.08.2004 advised IOC to take action against the distributor for release of fake connections, as per the Marketing Discipline Guidelines' 2001, after examining the matter.
3. Accordingly, M/s Bright Gas Agency was advised to pay Rs. 1,44,000/- for release of 21 nos. of new connections against registration of bogus SL-69 and release of 10 nos. of LPG connections against fake TVs. The distributor was warned for not operating official godown and operating from unauthorized godowns. M/s Bright Gas Agency had paid Rs. 1,44,000/- on 22.12.2004.
4. As recommended earlier by Vigilance Department, ER, a committee from Area Office was constituted to carry out comprehensive exercise. The Committee has established that out of the documents checked, 41 TVs were found be fake and 49 TTVs had been issued on the basis of false

affidavit. Out of total 41 TVs, 8 TVs were common both in earlier Vigilance Report and Committee Report. Accordingly, M/s Bright Gas Agency has been advised to make payment of Rs. 1,32,000/- towards recovery of 33 (41-8) nos. fake TVs. No action has been taken as yet for issuance of 49 nos. of TTVs on the basis of false affidavit."

12.3 The Committee took oral evidence of the representatives of the MoP&NG on 05.01.2006. During the course of evidence, the witness of IOCL stated:

"This is actually a case pending with the Ministry of Petroleum. We want to impose MDG guidelines. In fact, there has been an irregularity. Vigilance has also found out the irregularity. It is about Bright Gas. They have come to the Petition Committee. But it is a matter between the distributor, the oil company and the Government, and we are waiting for the clearance from the Ministry of Petroleum. We have to collect about Rs. 1,32,000 or so, because they have issued fake TVs (transfer vouchers). Forty-one TVs were found fake; and 49 TTVs had been issued on the basis of false affidavit. It is an irregularity committed by our distributor. So, we have referred the matter to the Ministry of Petroleum."

13.0 In response to a question about the policy of the Government for award of oil distributorships/LPG Agencies/Kerosene Dealerships by the oil sector PSUs, the MoP&NG in their written reply stated as under:

"After the dismantling of the Administered Pricing Mechanism in the petroleum sector *w.e.f.* 01.04.2002, the OMCs have been empowered to take decision in the matter of selection of dealers/distributors of petroleum products. The public sector oil marketing companies, *viz.*, Indian Oil Corporation Limited (IOC), Bharat Petroleum Corporation Limited (BPL), Hindustan Petroleum Corporation Limited (HPL) and IBP Co. Ltd. (IBP), have also freedom to choose locations in the country, based on commercial viability, for setting up of retail outlet dealerships (petrol pumps), LPG distributorships (cooking gas agencies) and SKO-LDO dealerships (kerosene agencies). In the pre-APM regime, selection of dealers/distributors for these agencies used to be done in accordance with the detailed guidelines laid down by the Government. The selections are now made by the OMCs in accordance with the guidelines adopted by them. However, while authorising the OMCs to formulate their own guidelines, the Government had advised them of certain broad parameters for incorporation in those guidelines....."

14.0 In response to another question as to whether the Government approve any marketing plan detailing the number of distributorships earmarked for allotment in a year or this authority lies with the respective PSUs, the MoP&NG replied in their written comments as under:

"Before the dismantling of the Administered Pricing Mechanism *w.e.f.* 01.04.2002, Government used to consider and approve the marketing plans, as formulated by the oil industry, for setting up of retail outlet dealerships, LPG distributorships and SKO-LDO dealerships at various locations in the country. In the post-APM scenario, the OMCs have been given freedom to formulate

their own plans for setting up of such dealerships/distributorships based on commercial considerations."

15.0 In their written reply, the MoP&NG stated that normally, the Letters of Intent (LOIs) are issued by the oil companies to the selected dealers/distributors within 30 days from the date of completion of interview. However, on occasions, the issue of LOIs gets delayed owing to various factors like complaints and inquiries received thereon, court cases, etc.

Observations/Recommendations

16.0 The Committee note that after the dismantling of the Administered Pricing Mechanism in the petroleum sector *w.e.f.* 14.02.2002, the Oil Marketing Companies (OMCs) have been empowered to take decision in the matter of selection of dealers/distributors of petroleum products. The selections are now made by the OMCs in accordance with the guidelines adopted by them. However, while authorizing the OMCs to formulate their own guidelines, the government had advised them of certain broad parameters for incorporation in those guidelines.

17.0 The Committee received several petitions/representations regarding irregularities in the selection of candidates for allotment of oil dealerships/distributorships or retail outlets at various locations by the oil companies. They questioned the criteria applied and procedure followed for selection of the candidates for awarding oil dealerships or retail outlets. In the process there were complaints and counter complaints for or against the allotment of dealerships/distributorships and sought intervention of the Committee for redressal of their grievances. The Committee examined some of these representations and issues raised therein in the succeeding paragraphs.

18.0 Case of Shri Niraj Kumar Singh

18.1 The Committee note that the petitioner applied for LPG distributorship of IOCL in district Supaul, Bihar in response to an advertisement on 29.02.2004. On the basis of interview held on 21.02.2004, he was declared second. However, the petitioner was not satisfied with the outcome of the interview and represented against the first empanelled candidate Shri Ajay Kumar Singh, with the request that the petitioner may be allotted the said gas agency.

18.2 The Committee note that an advertisement inviting applications for LPG Distributorship at Supaul was released on 28.02.2004 against the terminated distributorship of M/s Sangeeta Indane. This distributorship was terminated on 16.07.2002 for violation of various terms and conditions of the Distributorship Agreement. Aggrieved by this termination, the Distributor approached the court through various writ petitions/appeals. Selection against the said advertisement was made in June 2004 and one Shri Ajay Kumar Singh was selected. The Court passed an interim order that any allotment of LPG distributorship shall be subject to the outcome of the case.

18.3 The Committee were also informed that a high level two members Committee constituted by IOCL found that Dealer Selection Committee (DSC)

had not followed the laid down guidelines with respect to selection of the candidates and therefore the entire process stood vitiated. DSC had taken cognizance of documents submitted at the time of interview subsequent to the date of application which were not in accordance with the guidelines in the matter. However, according to the assessment made by the said committee, the petitioner was empanelled first and the selected candidate was listed at Sl. No. 2. They also remarked that any decision regarding scrapping of panel and fresh selection of LPG distributorship from the original applicants against advertisement dated 29.02.2004 could not be taken in lieu of the directives from the court where final decision is awaited.

18.4 The Committee observed that on the basis of the analysis even by the high level committee constituted by IOCL found the claim of the petitioner as true as a result of which the petitioner was empanelled first for the allotment of distributorship at Supaul. The Committee were not convinced with the explanation given by the IOCL that even after finding the points raised by the petitioner as true, he was not given justice and no effective action was taken by the IOCL/ Ministry in the matter. The Committee feel that the DSC had wrongly placed the petitioner at S. No. 2. As per the guidelines of the company if the first empanelled candidate become ineligible, for any reason, whatsoever, the second empanelled candidates get the opportunity for appointment as dealer/distributor. Accordingly, the Committee recommend that the petitioner may be appointed as IOCL dealer at Supaul without further delay as there was no interim decision of the Court in this context. However, if there is any decision of the court in the matter in future, the same will be effective. The Committee would like to be apprised of the action taken in the matter within a period of one month.

19.0 Case of Smt. Rambha Sinha

19.1 The Committee note that the petitioner applied for the LPG distributorship in response to an advertisement on 18th February, 2002 at Basantpur, district Siwan, Bihar. She was interviewed on 21.11.2003 wherein the petitioner was the first empanelled candidate. IOCL did not raise any objection during Field Investigation Report (FIR). However, a complaint was received from the third empanelled candidate against the first and second empanelled candidates stating that they had not given any information regarding availability of land in the application form nor given any offer from the land owner as was required under the guidelines. The complainant felt that he scored over both these candidates in all the parameters. The case was examined by a high level two member committee. In their findings, the committee stated that a complaint was received from the second empanelled candidate on 17.12.2003 against the petitioner in which he mentioned about the dispute of land pending in the court, which he subsequently vide letter dated 14.02.2004 substantiated by submitting documents. According to the findings of the said committee, the DSC had not awarded the marks for different criteria as per the laid down guidelines and also took cognizance of documents submitted by the candidates subsequent to the date of application which was not in line with the guidelines. The sale deed

dated 18.11.2003 was subsequent to the date of application which could not be taken cognizance of as per the guidelines of MOP & NG. The two member Committee arrived at the conclusion that the selection procedure was vitiated and the said selection was already scrapped with the approval of ED (LPG).

19.2 The Committee note that LOI to the selected candidate is issued within 30 days from the date of interview/publication of result. The petitioner was interviewed and merit panel was published on 22.11.03. FIR in her case was conducted on 31.01.04 during which no objection was raised. The complaint against the petitioner was received on 17.12.03 about the dispute of land pending in the court without any documents supporting the said allegation. The complainant submitted the documents in support of his allegation only on 14.02.04 i.e. after two and a half months from the date of interview/result. The interregnum period from the date of publication of merit panel and the said complaint i.e. between 22.11.2003 to 14.02.2004 was more than 30 days. The Committee are distressed to note that as to why LOI could not be issued to the petitioner within the stipulated period of 30 days. It appears that the officials of IOCL were just waiting for any complaint from any quarter so as to give them an excuse to deny the dealership to the petitioner. The Committee also note that the IOCL did not ask for any documents at the time of advertisement but the petitioner produced documents at the time of her application regarding possession of land and another document to that effect at the time of interview with the intention to start the business as suited to the company. The Committee observe that in a similar case (dealt with subsequently), the dealer select was given opportunity to procure an alternate land. The Committee feel that the company had taken in consistent and contradictory stands on the same issue and were not satisfied with the explanation adduced by them. The Committee are surprised to note that if the officer who conducted FIR did not find any objection to open the dealership on the basis of documents produced by the petitioner at that time, then how the same could not be accepted by another officer of the company. This shows that there was a deliberate attempt with malafide intention to harass the petitioner. The Committee therefore desire that action should be initiated against the officer for his conduct. After perusal of all the documents and evidence taken, the Committee recommend that the petitioner may be issued LOI within a period of one month.

20.0 Case of Smt. Nisha Singh

20.1 The Committee note that the petitioner applied for allotment of Retail Outlet (RO) in response to an advertisement by IOCL. She appeared for the interview on 16.10.2003 and was placed second in the merit panel. According to her, the selection procedure was not fair and the candidate selected for the dealership did not fulfil the requisite qualification etc.

20.2 The Committee were informed that the two-member committee of the IOCL investigated the matter. According to the findings of the said Committee, the allegation of the petitioner of outside influence on the members of DSC could not be substantiated.

20.3 It was further found that the first empanelled candidate had a piece of land in his name prior to the date of application, whereas the petitioner arranged the land subsequently. The two-member Committee also felt that there was no deliberate/malafide intention for delay which had taken place for carrying out various activities. The dealer select has procured alternate land and further construction of RO is in progress during the course of oral evidence, the Committee were also informed that there were three committees which investigated the complaint of the petitioner and all the three committees looked into allegations which could not be substantiated.

20.4 The Committee note that LOI had been issued on 07.01.2005 to the dealer select and the retail outlet was being commissioned awaiting clearance from the statutory authorities. Keeping this aspect in view, the Committee do not wish to pursue the case further.

21.0 Case of Shri Ajay Kumar Singh

21.1 The Committee note that the petitioner applied for allotment of Kerosene dealership in response to an advertisement dated 26.05.98 but the same was cancelled by IOCL. The petitioner applied again for the dealership at Jalalpur when the advertisement was again published on 01.09.2000. The IOCL conducted interview for SKO-LDO dealership at location Jalalpur, Distt. Bihar on 17-18, November, 2003. The petitioner appeared for interview and was empanelled first in the merit panel conducted by DSC. As per the guidelines, FIR was to be conducted before issue of LOI. In the meantime, there were three anonymous complaints which were filed as per the policy guidelines. However, another complaint from the second empanelled candidate was received on 07.01.2004. The said complaint was investigated by IOCL and the allegation of influence on DSC could not be established. However, the two member committee found that DSC did not award marks for different criteria as per the laid down guidelines. Irregularities were also observed in awarding marks under age, qualification etc. by DSC. The said committee concluded that the selection process for the dealership was vitiated and the merit panel was scrapped. It was proposed to hold fresh interviews from amongst the candidates who had appeared for the interview, for the said location. However, the two member committee observed that FIR in respect of the petitioner should have been conducted and issued LOI during the period from the date of display of merit panel on 17/18-11-2003 to the date of complaint received on 07.01.2004. To that extent, according to the two-member committee, there was harassment to the petitioner.

21.2 The Committee observed that the complaint against the petitioner was received after 52 days from the date of publication of the result on 17/18-11-2003. As per the guidelines of the IOCL, FIR should have been conducted within 30 days and LOI should have been issued to the petitioner. It appears that certain officer of IOCL was interested in the case and was waiting for a complaint against the petitioner and the moment the complaint was received after 52 days investigation against the petitioner was initiated. Although there was no fault of the petitioner, the officer recommended for cancellation of the retail outlet and

recommended the name of the candidate who stood second. Keeping all the aspects in view and the facts in the matter, the Committee come to the conclusion that the petitioner had to undergo harassment and inconvenience for no fault on his part and therefore would like that action should be taken against the concerned officer. Since the petitioner was empanelled first and the complaint against him was received after 52 days, the Committee recommend that the petitioner may be issued LOI immediately without any further delay. The Committee also desire that the action taken by the Company in the matter may be apprised to the Committee within a period of one month.

22.0 Case of Shri Subhash Singh

22.1 The Committee note that the petitioner applied for dealership of Kerosene at Dharaundha in District Siwan, Bihar in response to an advertisement by IOCL for which interview was held on 22.11.2003. He was empanelled first. His documents were inspected during FIR and the same was found in order. The concerned officer recommended for grant of approval for issuance of LOI in favour of the petitioner. Before the LOI could be issued to the petitioner, a complaint was received against the selection from Shri Anand Pratap Sahi on 2.1.2004. Later on, an affidavit was submitted in the name of complainant stating that the said complaint was not made by him. However, the investigating officer recommended for the review of selection and approved fresh interviews from among the candidates who have appeared in the interview, by cancelling the merit panel. The two members committee reviewed and investigated the entire selection process of the case. The said committee investigated the case by taking cognizance of the report of the investigating officer and by perusing various other documents. The said Committee came to the conclusion that the award of marks by the DSC was not in line with the laid down norms and hence the selection process was vitiated and re-interviews were planned. The said Committee also concluded that the process of continuation of investigation by the investigating officer was not in order as the complainant had submitted an affidavit claiming that he had not made the complaint. The committee also felt that the interest of the first candidate *i.e.* the petitioner got affected due to delay in issuing LOI.

22.2 The Committee note that there were five charges against the petitioner. The first charge was that the certificate of matriculation was forged but the authenticity about the certificate could not be verified. The second charge was that the land for godown is five km. away from the location. However, the advertisement for dealership did not specify any requirement of land. On the other hand, the petitioner had given offer of land. The third charge against the petitioner was that the money shown in the bank account did not belong to him. The Committee feel strange as to how it could be known that the money shown in the bank account does not belong to the petitioner. The Committee also feel distressed to note that the investigating officer continued to carry out his investigation even after the notice from the complainant was received that he had not given the complaint. The two member committee also felt that the process of continuation of investigation by the said officer was not in order. This only

goes to show the mala-fide intention of the investigating officer to harass the petitioner. The case has been pending for the last two years for want of any decision in the matter and the petitioner, in the process was put under great inconvenience. After considering all the facts in the case, the Committee strongly recommend that the petitioner may be issued LOI immediately without any further delay. The Committee also recommend that action be taken against the officer responsible for inordinate delay in issuing LOI to the petitioner and the action taken in the matter may be informed to the Committee within a period of one month.

23.0 Case of Shri Tarkeshwar Singh

23.1 The Committee note that the petitioner appeared in the interview for selection of RO dealership on 14.06.2005 earmarked for fleet operators at Maghar as proposed by BPCL. However, he alleged that a person was selected for the dealership who did not fulfil the requisite standard for the same. The petitioner also alleged that a number of irregularities were committed in the selection of dealership and that he had not been awarded marks correctly. The Committee were informed that the selection was based on various evaluation criteria like capability to provide land, infrastructure, capability to arrange finance, capability to generate business, experience and business ability/acumen etc. The evaluation criteria laid down marks for each parameter and hence the scope for discretion of the Selection Committee was limited. The Committee were informed that the complaint from the petitioner was carefully examined and disposed of. The Committee were also explained about the marks given by the DSC to the petitioner for each and every inputs/documents as per the criteria/guidelines. The LOI had also since been issued to the first empanelled candidate on 17.09.2005, although the outlet has yet to be commissioned. Subsequently, it was understood that there were certain discrepancies in the selection of the dealership as were found during investigation in the matter and accordingly, fresh interviews were proposed for the selection of dealership. In view of this, the Committee do not wish to pursue the case further. The Committee would like to be informed of the conclusive action taken in the matter.

24.0 Case of Shri Sanjeev Kumar

24.1 The Committee note that the petitioner applied for retail outlet dealership at location Amnor, Distt. Saran, Bihar in response to an advertisement of HPCL on 11.8.2005. The petitioner was interviewed on 24.12.2005 for the said dealership and he was empanelled second. Shri Dashrath Singh was placed first on the merit panel. The petitioner alleged that the selected candidate had furnished wrong information about the ownership of the land and property etc. The petitioner also alleged that the said candidate was also suffering from paralysis. According to the petitioner, the selected candidate was not eligible for the said retail outlet and therefore requested that the matter may be enquired into and justice may be given to him.

24.2 The Committee were informed that the matter was investigated and the allegations against the first empanelled candidate Shri Dashrath Singh were

not found correct. The Committee were informed that Shri Dashrath Singh had submitted copies of registered lease agreements for two plots of land, one under survey No. 208 with Shri Baliram Singh and two — under survey No. 207 with Shri Dalip Singh along with his application for dealership. Both the above referred plots put together met the requirement of plot of land at the advertised location for the first empanelled candidate. The petitioner alleged that a plot under survey No. 208 were taken on lease by Shri Dashrath Singh from Shri Baliram Singh did not belong to the latter. On investigation, the said charge was not found correct. The allegation that the plot was also mortgaged by a relative of Shri Baliram Singh to a bank for a tractor loan was also not found correct. The bank had confirmed that the said property was free from mortgage and there were no dues against tractor loan taken by the relative of Shri Baliram Singh against the said property. It was also informed that there was no dispute about the land (under survey No. 207) and no court case was pending in any Court of Law and the property was free from all encumbrances. The Committee were also informed that Shri Dashrath Singh met with a road accident and was also hospitalized but he was not suffering from paralysis, as certified by the doctor. During the course of evidence, it was also informed that the selection of candidate for the dealership was correct and there were no irregularities in the selection of the candidate. As the investigation did not bring out any fact or nothing was found adverse against the first empanelled candidate, the Committee do not wish to pursue the case further. However, the Committee would like that the retail outlet be commissioned at the earliest without further delay and the relevant documents of the case may be furnished to the Committee.

25.0 Case of Smt. Sharda Rani

25.1 The Committee note that the petitioner submitted an application for LPG Distributorship at Bausi, Distt. Banka, Bihar in response to an advertisement published on 18.02.2002. After verification of documents, she was directed to appear before the DSC on 09.10.2003 and was interviewed. On 10.10.2003, a list of short listed candidates in order of merit was displayed and the name of Shri Sanjiv Kumar Sah was placed first in the merit panel. According to her, the names of short listed candidates ought to have been displayed on the same day *i.e.* on 09.10.2003 in terms of guidelines issued by the Government but the same was deliberately violated in order to favour someone.

25.2 The Committee were informed that LPG distributorship at Bausi was rostered under 'Open' category in Marketing Plan 1999-2000. Interview for selection of LPG distributor was held on 19.10.2003 and Shri Sanjeev Kumar Sah was placed 1st in the merit panel. The complaint was investigated by Vigilance Department of IOCL and the case was closed with their approval as the irregularities as alleged could not be substantiated and also the charges of corruption against officials of IOCL could not be proved. The IOCL had since issued the LOI on 4th November, 2003. The vigilance department had given clearance for commissioning of the distributorship which had since been commissioned on 22nd June, 2005. As the vigilance investigation did not bring

out any fact, the Committee do not find any merit and wish to pursue the case further.

26.0 Case of Smt. Manju Devi

26.1 The Committee note that the petitioner applied for LPG distributorship at Jale, Distt. Darbhanga, Bihar in response to an advertisement by the BPCL. She was interviewed on 10.06.2004 for the said purpose but was not in the short listed candidates. The petitioner alleged that there were irregularities in the selection of the dealership.

26.2 The Committee were informed that BPCL advertised the location for setting up of a LPG distributorship under 'open' category on 6th September, 2000. The interview for the location was held on 22nd/23rd February, 2001 by erstwhile Dealer Selection Board (DSB). The result was not announced by the Chairman of the DSB as there was some dispute relating to the marks allotted by other DSB members. As per the then prevailing guidelines, the merit panel was required to be released within 24 hours of the interview. In this case, due to the dispute amongst the selection committee members, the panel was not released on time and hence it was realized that the selection process had been vitiated. In view of this, it was recommended by BPCL that the panel prepared by the selection committee should be considered as lapsed and fresh interview be held for the selection of candidate for the aforesaid location. The Ministry agreed with the recommendation of BPCL in the matter and same was confirmed to BPCL on 21.04.2004. During the course of evidence the Committee were also informed that the dealership had also been commissioned. In view of the facts as informed by the Ministry, the Committee decided to drop the case of the petitioner. However, the Committee would like that full facts of the case be sent to the Committee for consideration.

27.0 Case of Smt. Pramila Singh

27.1 The Committee note that the petitioner was running Bright Gas Agency. During August 2000 for her Agency was investigated by vigilance department of IOCL and allegation of release of bogus LPG connections was imposed on her. In December, 2004, the IOCL imposed the penalty amounting Rs. 1.5 lakh. Now IOCL again issued a notice in July 2005 for payment of penalty of Rs. 1.32 lakh for release of 41 unauthorized LPG connections. The Committee were informed that certain malpractice and irregularities were detected by vigilance in the working of M/s. Bright Gas Agency, Kolkata. After examining the matter, IOCL took action against the distributor for release of fake connections and the agency was advised to pay Rs. 1.44 lakh for release of 21 Nos. of new connection against registration of bogus SL-69 and release of 10 Nos. of LPG connections against fake Transfer Vouchers (TVs). The Distributor was also warned for operating from unauthorized godown. The agency had paid Rs. 1.44 lakh on 22.12.2004. As recommended by the Vigilance Department, a committee from area office was constituted to carry out comprehensive exercise. The said committee established that out of the documents checked, 41 TVs were found to be fake and

49 Terminated Transfer Vouchers (TTVs) had been issued on the basis of false affidavit. Out of total 41 TVs, 8 TVs were common both in earlier Vigilance Report and the committee report. Accordingly, M/s Bright Gas Agency was advised to make payment of Rs. 1.32 lakh towards recovery of 33 (41-8) Nos. fake TVs. No action has been taken as yet for issuance of 49 Nos. of TTVs on the basis of false affidavit.

27.2 Since the vigilance had found irregularity committed by the distributor for issue of fake TVs, the Committee recommend that action may be taken against the agency as per rules of the Company and the Committee be apprised of the action taken in the matter.

28.0 SUMMING UP

28.1 From the sample cases dealt with in the preceding paragraphs, The Committee observe that after operation of these guidelines by the oil companies, a number of irregularities and malpractices in the selection of the candidates for dealerships/distributorships at various locations have been reported. In a large number of cases as reported to the Committee, the DSC did not follow the guidelines for selection of dealers/distributors. In violation of these guidelines/criteria, the DSC took cognizance of the documents submitted by the applicants subsequent to the date of application and awarded the marks and in the process the whole selection procedure was vitiated and panel had to be scraped. The Committee also find that the prescribed procedure to issue LOI within 30 days from the date of interview had not been strictly adhere to by the oil companies and this gave opportunity to raise allegations of irregularities in the selection process and caused inconvenience to the selected candiates. The Committee feel that the guidelines in the matter lack transparency and objectiveness and contain infirmities and defects which give scope for manipulation and malpractice in the selection of dealerships/distributorships. The Committee, therefore, strongly recommed that the guidelines regulating selection of dealerships/distributorships should be reviewed and made more transparent and objective so that there is no scope for malpractices or irregularities and the complaints emanating from various quarters in the matter are reduced to the minimum.

NEW DELHI;
22nd May, 2006
1 Jyaistha , 1928 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Thursday, 25th November, 2004 from 1400 hrs. to 1550 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Dr. M. Jagannath
4. Shri Suresh Kurup
5. Mohd. Muqueem
6. Shri Jyotiraditya Madhavrao Scindia
7. Shri Vijay Krishna

SECRETARIAT

1. Shri R.C. Ahuja — *Joint Secretary*
2. Shri Brahm Dutt — *Director*
3. Shri R.K. Bajaj — *Under Secretary*

WITNESSES

Representatives of the Ministry of Petroleum & Natural Gas

1. Shri S.C. Tripathi — *Secretary*
2. Shri M.S. Srinivasan — *Additional Secretary*
3. Shri Prabh Das — *Joint Secretary*
4. Shri Avinash Srivastava — *Joint Secretary*
5. Shri P.K. Sinha — *Joint Secretary & Financial Advisor*
6. Shri Vijayaraghawan — *Director, Petroleum Planning & Analysis Cell*
7. Shri Tarun Shridhar — *Director*
8. Shri Pramod Nangia — *Director*

Representatives of Oil Sector PSUs.

1. Shri M.S. Ramanandan — *Chairman, I.O.C.*
2. Shri S. Radhakrishnan — *Director (M), B.P.C.L.*
3. Dr. N.G. Kannan — *Director (M), I.O.C. & Managing Director, I.B.P.*
4. Shri S. Roy Choudhury — *Director (Marketing), HPCL*
5. Shri S.P. Chaudhury — *Executive Director (Retail), HPCL*
6. Shri Pallav Ghosh — *General Manager (Retail), BPCL*
7. Shri I. Srinivas Rao — *Deputy General Manager (LPG) Sales, BPCL*
8. Shri A.C. Kelkar — *Executive Director (LPG) Sales, IOC*
9. Shri B.B. Vohra — *Executive Director (LPG) Marketing, IBP*
10. Shri S.K. Diwan — *Deputy General Manager (Retail) Sales, IOC*
11. Shri S. Muttoo — *Deputy General (Co-ordination), IOC*
12. Shri Anup Kakkar — *Deputy General Manager (Marketing-Co-ordination), IBP*
13. Shri K. Rajeswara Rao — *Joint Director, PPAC*

2. At the outset, the Chairman welcomed the representatives of the Ministry of Petroleum and Natural Gas and the Oil Companies and drew their attention to Director 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Chairman also expressed the Committee's concern over the absence of CMDs of BPCL and HPCL and not intimating the Committee about the reasons for their absence in advance. He also instructed Secretary, Ministry of Petroleum and Natural Gas to be more careful in such cases in future and that the Committee should be invariably informed about such matters.

3. Thereafter, the Chairman and Members of the Committee sought clarifications on the representations regarding (i) irregularities committed in awarding oil distributorships and (ii) sale of adulterated oil.

4. The following important points were discussed by the Committee:—

- (i) the existing policy of the Government for awarding of petrol pumps/oil distributorships, etc.;
- (ii) the revision in the guidelines after taking up the matter by the Supreme Court and the Committee appointed by the Supreme Court to look into certain specific cases;
- (iii) the requirements/qualifications for selection of candidates for oil distributorship, etc.;
- (iv) the machinery/set up in the Ministry to look into the grievances/complaints in regard to award of dealerships;

- (v) action taken on malafide/irregularities on the part of officers of oil companies;
- (vi) the role of Anti-adulteration Cell;
- (vii) specific complaints made by Shri D.P. Yadav, M.P. and others;
- (viii) the complaints of Ms. Meena Kumari and Ms. Nisha Singh regarding their non-selection for dealerships;
- (ix) complaints regarding oil companies preferring old dealers in awarding more dealerships;
- (x) system in the Ministry for preventing adulteration;
- (xi) role of State Government in monitoring sale of petroleum products etc.;
- (xii) powers of State Governments/Consumer Fora to examine complaints of the consumers about adulteration;
- (xiii) specific efforts by Ministry/PSUs to check adulteration in rural areas;
- (xiv) penalties etc. against dealers found guilty of adulteration and steps taken by Ministry/PSUs to educate consumers;
- (xv) meeting with the Chief Secretaries of State Governments to work out a mechanism to check the sale of adulterated petroleum products;
- (xvi) need of Coordination among Petroleum Ministry, Oil Companies and State Governments; and
- (xvii) revision of criteria for selection of members of Boards.

5. The Committee directed the witnesses to send written replies to some of the points on which replies were not readily available with them during the evidence.

6. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The Witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, 6th June, 2005 from 1400 hrs. to 1520 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Shri Suresh Kurup
4. Smt. Nivedita Mane
5. Mohd. Muqueem
6. Shri Vijoy Krishna

SECRETARIAT

1. Shri S. Bal Shekar — *Joint Secretary*
2. Shri Brahm Dutt — *Director*
3. Shri R.K. Bajaj — *Deputy Secretary*

WITNESSES

Representatives of the Ministry of Petroleum and Natural Gas

1. Shri M.S. Srinivasan — *Special Secretary*
2. Shri Pramod Nangia — *Director*
3. Shri Vivek Kumar Dewangan — *Deputy Secretary*

Representatives of Oil Companies

1. Dr. N.G. Kannan — *Director, (Marketing), Indian Oil Corporation Ltd.*
2. Shri S. Radhakrishnan — *Director, (Marketing), BPCL*
3. Shri S. Roy Choudhary — *Director, (Marketing), HPCL*
4. Shri D. Sen — *General Manager, Indian Oil, Bihar*
5. Shri J.M. Oza — *DGM, BPCL*
6. Shri S.K. Diwan — *DGM, IOC*
7. Shri R.K. Arora — *DGM, IOC, (MI)*

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2. At the outset, the Chairman welcomed the representatives of the Ministry of Petroleum & Natural Gas and the representatives of Oil Companies and drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

3. Thereafter, the Committee took evidence of the representatives of the Ministry on (i) Representation by Shri Dhanai Yadav, Member, Panchayat Samiti, Bharha, Manjhi Chhapra, Saran (Bihar) and others regarding alleged irregularities by oil sector companies; (ii) Representations received from Smt. Rambha Sinha, w/o Shri Sanjay Kumar Singh, Village and P.O. Parauli, District Siwan (Bihar); (iii) Representation regarding harassment in awarding SKO-LDO dealership by I.O.C. at Dhuranda in District Siwan (Bihar); (iv) Representation by Shri Ajay Kumar Singh, r/o village & Post Daudpur, District Siwan (Bihar); requesting for enquiring allotment of Kerosene Dealership in Bihar; (v) Representation by Ms. Meena Kumari regarding irregularity in the selection of dealership by IOC at Jalalpur (Bihar); and (vi) Representation by Ms. Nisha Singh regarding irregularities in selection of dealer by IOC at Aamodoi Ka Tola, District Easter Champaran (Bihar).

4. The following important points were discussed by the Committee:—

- (i) Examination of representation of Shri Dhanai Yadav in the light of giving new dealerships to the old dealers in connivance with the Officers of the Oil Companies through benami route;
- (ii) Provisions of revised guidelines of Oil Sector PSUs in regard to multiple dealerships and steps taken to implement the same particularly in case of IBP Company Ltd.
- (iii) Delay in issuing letter of Intent (LOI) within stipulated period of 30 days;
- (iv) Necessity to fix responsibility on the concerned officers for undue delay in awarding dealerships to the selected candidates;
- (v) Reasons for not awarding SKO-LDO dealership to Shri Subhash Singh for which the result was declared in November, 2003.
- (vi) Reasons for not awarding dealership at Jalalpur (Bihar) to the candidate who has been placed at No. 1 in the panel by the designated Committee consisting of officers of the oil companies;
- (vii) The level at which the complaint of Ms. Meena Kumari regarding irregularity in the selection of dealership by IOC at Jalalpur (Bihar) was investigated by the IOC/Ministry and the results of such investigations;
- (viii) Composition of the Committee/officials who investigated the matter regarding irregularity in selection of dealership by IOC at 'Aamodoi Ka Tola', Distt. East Champaran (Bihar); and

- (ix) Details about the machinery/system available in the Petroleum Ministry to look into such grievances.

5. The Committee desired to have more information on some of the points on which replies/informations were not readily available with them during the evidence at the earliest.

9. The Committee directed the witnesses to send written replies to some of the points/informations on which replies were not readily available with them during the evidence, at the earliest.

10. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

MINUTES OF THE TWENTY-SEVENTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Thursday, 5th January, 2006 from 1400 hrs. to 1645 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Shri N.S.V. Chitthan
4. Shri Baliram Kashyap
5. Shri Suresh Kurup
6. Smt. Nivedita Mane
7. Mohd. Muqueem
8. Shri Dharmendra Pradhan

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri A.K. Singh — *Director*
3. Shri U.B.S. Negi — *Under Secretary*

WITNESSES

Representatives of the Ministry of Petroleum & Natural Gas

1. Shri M.S. Srinivasan — *Secretary, Ministry of Petroleum & Natural Gas*
2. Shri Ajay Tyagi — *Joint Secretary, Ministry of Petroleum & Natural Gas*
3. Shri Pramod Nangia — *Director, Ministry of Petroleum & Natural Gas*
4. Shri V.K. Dewangan — *Deputy Secretary, Ministry of Petroleum & Natural Gas*
5. Dr. N.G. Kannan — *Director (Marketing), Ministry of Petroleum & Natural Gas*
6. Shri A.M.K. Sinha — *G.M. (AS), Indian Oil Corporation Ltd.*

7. Shri S. Roychowdhury — *Director (Marketing), Bharat Petroleum Corporation Ltd.*
8. Shri S. Radhakrishnan — *Director (Marketing), Bharat Petroleum Corporation Ltd.*
9. Shri Sanjay Krishnamurti — *Executive Director (Retail), Bharat Petroleum Corporation Ltd.*

2. At the outset, the Chairman welcomed the representatives of the Ministry of Petroleum & Natural Gas and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings. The Chairman also drew attention to Direction 95 with reference to their letter addressed to the Secretary-General which contains certain suggestions relating to the Committee.

3. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Petroleum & Natural Gas on 26 representations regarding selection of petrol/diesel dealership/distributorships, transfer of customers between LPG Agencies, adulteration in petrol and diesel etc. including on some of the items which were discussed earlier. The witness apprised the Committee on the follow-up action initiated by the Companies on their Officers based on some of the infirmities and defects noticed by them and the need for transparent and objective guidelines/parameters regarding selection for dealerships and distributorships. It was also informed that the Ministry had also constituted a committee to go into the complaints against selection of dealers, awards of tenders and cases involving adulteration etc. Thereafter, the Committee discusses all the cases one by one in order to arrive at a decision. In the process, the following issues/points were discussed:—

- (i) Location of Retail Outlets or LPG distributorships on commercial considerations including potential of retail outlets at Jalalpur.
- (ii) Irregularities in the selection of dealerships/distributorships by the oil companies and the action taken/being taken against officers concerned.
- (iii) Guidelines awarding marks at the time of holding interviews for selection of dealerships.
- (iv) Mechanism to check adulteration in oil/diesel.
- (v) Need for formulation of guidelines by the oil companies relating to transfer of customers/connections from one Agency to another Agency for the convenience of the people.

4. After due deliberation on the issues/points in the representations, the Committee decided as follows:—

- (i) that Shri Neeraj Kumar Singh who was No. 1 after investigation/re-examination of the case, be appointed as IOC dealer at Supaul within 30 days subject to decision of the Hon'ble Court and the Committee be apprised of the action taken in that regard.

- (ii) that LOI be issued to Smt. Rambha Sinha for allotment of LPG distributorship at Basantpur, Distt. Siwan, Bihar on the basis of FIR within 30 days and the action be taken against the officer concerned for his malafide intention and harrasment of the selected candidate and the Committee be apprised of the action taken in that regard.
- (iii) that Smt. Nisha Singh's case be closed in view of the report that outlet is being commissioned and none of the allegations made by her were substantiated.
- (iv) that LOI be issued to Shri Ajay Kumar Singh for allotment of SKO-LDO Agency at Jalalpur, Distt. Saran, Bihar within 30 days and the action be taken against the officer responsible in the matter for inordinate delay in issuing LOI and the Committee be apprised of the action taken in that regard.
- (v) that LOI be issued to Shri Subhash Singh for operating SKO-LDO agency at Dharaunda, Distt. Siwan, Bihar within 30 days and the action be taken against the officer responsible in the matter for inordinate delay in issuing LOI.
- (vi) that allegation of irregularities made by Shri Tarkeshwar Singh in the selection of RO dealership to fleet operators at Maghar in Distt. Saran, Bihar be investigated by a senior officer of the company.
- (vii) that complaint from Shri Kamlesh Kumar Singh against Shri Shashi Shekhar Singh, Ist empanelled candidate alleging for production of forged residential proof for award of RO dealership under the Kisan Sewa Kendra Scheme at Phelpura, Distt. Siwan, Bihar be investigated and the matter be settled. A report in that regard be expedited to the Committee.
- (viii) that case of Smt. Sharda Rani Singh be dropped in view of the fact that the vigilance investigation did not bring out any fact.
- (ix) that case of Smt. Manju Devi is dropped but full facts of the case be sent to the Committee.
- (x) that Ministry of Home Affairs or the District Magistrate be asked to confirm as to whether all the three selected candidates were freedom fighters for award of LPG distributorship against Freedom Fighter Category at Kahra, Distt. Saharsa, Bihar.
- (xi) that case of Shri Alok Ranjan Singh regarding award of LPG Distributorship at Lalganj, Vaishali, Bihar be kept pending and the facts found on the basis of investigation be sent to the Committee.
- (xii) that case of Smt. Promila Singh, Proprietor M/s Bright Gas Agency (IOC), Kolkata be dropped. However, action be taken as per rules of the company and the Committee be apprised of the action taken in that regard.

- (xiii) that issues relating to transfer of customers/connections from one Agency to another Agency as raised by Smt. Asha Kumari, Shri Anil Kumar Singh, Shri Rana Pratap Singh and Smt. Urmila Devi be settled at local level without delay.

5. The Committee also decided that the issues pertaining to adulteration of oil, dealer's commission would be taken up and discussed alongwith the officers from the State Government at their next sitting.

6. As regards the cases of Shri Awadha Bihari Singh and Shyam Bihari Singh regarding employment of their sons, the Committee were informed that their land was being used for some community development programme and as such their names did not appear in the list of land losers for Bottling Plant at Gidha. So far as the petition of Shri Rajiv Kumar Singh was concerned, it was informed that the problem had since been sorted out. He had been given supplies in line with the average and that new connections had also been released.

7. The Committee directed the witness to send the replies on points which were not supplied or readily available with them during the course of evidence.

8. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The Witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE THIRTY-SIXTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 18th April, 2006 from 1400 hrs. to
1700 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Smt. Nivedita Mane
4. Adv. Suresh Kurup
5. Shri Baliram Kashyap
6. Shri Raj Babbar
7. Shri Vijoy Krishna
8. Mohd. Muqueem

SECRETARIAT

1. Shri A. K. Singh — *Director*
2. Shri U.B.S. Negi — *Under Secretary*

SPECIAL INVITEE

1. Shri Rajiv Ranjan Singh 'Lalan', MP

WITNESSES

Representatives of the Ministry of Petroleum and Natural Gas

1. Shri M.S. Srinivasan — *Secretary*
2. Shri Anil Rajzan — *Additional Secretary*
3. Shri Ajay Tyagi — *Joint Secretary*
4. Shri S.P. Chaudhry — *Executive Director (Detail), HPCL*

6. At the outset, the Chairman welcomed the representatives of the Ministry of
Petroleum & Natural Gas and the representatives of Oil Companies and drew their

attention to the Direction 55 (1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Chairman also drew attention to Direction 95 which clearly stipulates that the Committee shall also meet as often as necessary to consider representations, letters, telegrams from various individuals, associations etc. which are not covered by the rules relating to petitions and give directions for their disposals.

7. Before taking oral evidence of the representatives of the Ministry of Petroleum and Natural Gas, the Committee drew attention to some of the observations of the past Speakers of the Lok Sabha throwing light on various aspects of the role and functions of the Committee on Petitions and its significance and importance in redressal of public grievances.

Thereafter, the Committee discussed all the cases one by one as stated in the succeeding paragraphs.

(II) Case of Shri Sanjeev Kumar

The Committee were informed that all the points raised by the petitioner were investigated and it was found that there were no irregularities in the selection of dealership. The selected candidate was also medically examined and as per the certificate given by the orthopaedic surgeon, the candidate was not suffering from paralysis.

9. A copy of the verbatim proceeding of the sitting of the Committee was kept on records.

The Committee then adjourned.

MINUTES OF THE THIRTY-EIGHTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, 22nd May, 2006 from 1500 hrs. to 1530 hrs. in Chairman's Room No. 45 (II), Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N. S.V. Chitthan
3. Smt. Nivedita Mane
4. Mohd. Muqueem
5. Shri Dharmendra Pradhan
6. Shri Damodar Barku Shingda

SECRETARIAT

1. Shri A. K. Singh — *Director*
2. Shri U.B.S. Negi — *Under Secretary*

2. The Committee considered the draft Fourteenth and Fifteenth Reports and adopted Reports with amendments in Fifteenth Report as shown in the Appendix-I.

3. The Committee also authorised the Chairman to make, consequential changes, if any, arising out of the factual verification of the Reports by the Ministries/Departments concerned and present the same to the House.

The Committee then adjourned.

APPENDIX-I

(See Para-2 of Minutes dated 22nd May, 2006)

AMENDMENT MADE BY THE COMMITTEE ON PETITIONS IN THE DRAFT FIFTEENTH REPORT

- (i) Insert para 8.5, after para 8.4 and before para 9.0 as under:—

"Subsequently, the Committee came to understand that there were certain discrepancies in the selection of dealership as were found during investigation in the matter and accordingly fresh interviews were proposed for the selection of the dealership."
- (ii) Pages 33-37
Replace — Paras-9.0, 9.1, 9.2, 9.3, 9.4 & 9.5
By — **Appendix II**
- (iii) Page 46, Para — 18.4, Lines 2-3 from bottom
For "considered for appointment as IOCL dealer at Supaul without further delay subject to the decision of the Court."
Substitute — "appointed as IOCL dealer at Supaul immediately without any further delay as there was no interim decision of the Court in this context. However, if there is any decision of the Court in matter in future, the same will be effective."
- (iv) Page 48, Para 19.2, Lines 1-2 from bottom
For — "considered for issue of LOI"
Substitute — "issued LOI"
- (v) Page 50, Para 21.2, Lines 3-4 from bottom.
For — "considered for issue of LOI."
Substitute — "issued LOI immediately without any further delay."
- (vi) Page 52, Para 22.2, Lines 4-5 from bottom.
For — "considered for issue of LOI."
Substitute — "issued LOI immediately without any further delay."
- (vii) Page 53, Para 23.1, Lines 2-5.
Substitute — The Committee are not satisfied with the explanation given by the BPCL regarding the marks awarded to the petitioner and the

selected candidate and recommended that matter may be examined by a senior officer of the BPCL.

By—Subsequently, it was understood that there were certain discrepancies in the selection of dealership as were found during investigation in the matter and accordingly, fresh interviews were proposed for the selection of the dealership. In view of this, the Committee do not wish to pursue the case further.

(viii) Page 53-54

Substitute — Paras-24.0, 24.1 & 24.2

By — **Appendix III**

APPENDIX-II

9.0 Representation from Shri Sanjeev Kumar

9.1 The petitioner stated that he applied for retail outlet dealership in response to an advertisement for location Amnor, Distt. Saran, Bihar, for which the interview was held on 24.12.2005. After the interview, Shri Dashrath Singh was selected. The petitioner alleged that the selection of Shri Dashrath Singh was illegal as he furnished wrong information in the application as well as at the time of interview. In this context, the petitioner alleged that the land offered by Shri Dashrath Singh did not have clear title and that he was suffering from paralysis. The petitioner, therefor, requested that the inquiry may be conducted into the matter and justice may be granted to him.

9.2 The representation from the petitioner was forwarded to the MoP&NG to furnish their comments on the points raised therein. In their response, the MoP&NG *vide* their communication dated 24.02.2006 stated as under:—

"2. HPCL have reported that they have received a complaint from Shri Sanjeev Kumar, 2nd empanelled candidate against the first empanelled candidate Shri Dashrath Singh that the land offered by the Ist empanelled candidate is not having clear title and cannot be leased to HPCL as the same is a disputed land. In view of the complaint, the letter of Intent was not issued to the 1st empanelled candidate, Shri Dashrath Singh. Further, the search report is being carried out through a competent Advocate for the land offered by the Ist empanelled candidate.

3. HPCL have further reported that as per their established Grievance Redressal Procedure, the complaint would be fully investigated and the investigation report would be reviewed by the competent authority *i.e.* GM-East Zone and the final decision would be taken based on the outcome of the investigation report. The speaking order would also be issued by the competent authority to dispose off the complaint".

9.3 The MoP&NG further imformed *vide* communication dated 31.03.2006 as under:—

"...The investigation in the case is yet to be completed, as HPCL is waiting for certain documents/information for which they have approached different agencies. A final decision on the complaint can be taken by the Company only after the ongoing investigation is completed and the investigation report is considered by the competent authority in the Company. However, the latest position of the case, as intimated by HPCL, is briefly mentioned hereunder..."

2. Shri Dashrath Singh, the first empanelled candidate, had offered two plots of land, along with copies of registered lease deeds, under (a) Survey No. 208 with Shri Baliram Singh and (b) Survey No. 207 with Shri Dilip Singh, and these two plots of land, put together, met the requirement of plot land at the advertised location. Shri Sanjeev Kumar, the second-empanelled candidate, complained about clear title to the

land offered by Shri Dashrath Singh. The present position *vis-a-vis* the complaint, as obtained from the Company is indicated below:—

- (i) It has been alleged that plot No. 208, taken on lease by Shri Dashrath Singh from Shri Baliram Singh, does not belong to the latter. The allegation is not correct. The Right Title Interest of the land rests with the owners, and Shri Baliram Singh is the sole legal heir of the owner.
- (ii) It has been alleged that plot No. 208 has been mortgaged by a relative of Shri Baliram Singh to Bank for a "tractor loan".

The matter is being verified with the Bank.

- (iii) It has been alleged that; there is an Application under Section 144 of CrPC applicable on the entire land of plot No. 208.

The contention raised in the CrPC 144 Application does not stand and the case has been dismissed as withdrawn by the Court.

- (iv) It has been alleged that the land (plot No. 207) leased by S/Shri Dilip Singh and Yogendra Singh to Shri Dashrath Singh, is also owned by their paternal uncles.

HPCL's Advocate is trying to obtain the written partition document to show the share-holding of Shri Dilip Singh in the subject land.

- (v) It is alleged that 1st empanelled candidate is suffering from paralysis.

HPCL is getting the 1st empanelled candidate examined by Civil Surgeon/ Govt. Medical Officer.

- 3. In view of the ongoing investigation into the complaint, HPCL has not issued 'Letter of Intent' to the 1st empanelled candidate."

9.4 The MoP&NG furnished the latest status on the representation of the petitioner *vide* communication dated 17-04-2006 as under:—

- "(i) The allegation is not correct. The right and the title of the interest of the land for 4 cottahs under Khata No. 14, survey No. 208 of khaitani land is the ancestral property of Shri Shivprasad Singh, the father of Shri Baliram Singh. And, Shri Baliram Singh has the peaceful possession of the same as per title certificate and possession note No. 84 dated 7.4.2006 issued by the Circle Officer, Amnour. The same has been leased by Shri Baliram Singh to Shri Dashrath Singh, the 1st empanelled candidate.
- (ii) The total area of plot under survey No. 208 has 8 cottah and 1 dhur. Out of which, 4 cottah and 1 dhur is in possession of Shri Ramparvesh Singh, which was not given on lease to 1st empanelled candidate, Shri Dashrath Singh. Instead, the other 4 cottah of land belonging to Shri Baliram Singh was given on lease to Shri Dashrath Singh on 12.09.2005 and the same was not hypothecated to SBI for any loan as confirmed by SBI under their letter dated 21.03.2006.

Further, SBI *vide* their letter dated 11.2.2006 have confirmed that there are no dues against tractor loan taken by Shri Ramparvesh Singh and the leased property Khata No. 14, Survey No. 208 is free from mortgage.

- (iii) The contention raised in the CrPC 144 applications does not stand and the case has been dismissed as withdrawn *vide* order dated 29.12.2005 of the Sub-Divisional Officer, Marhora.
- (iv) The land under Khata No. 247 Survey No. 207 is an ancestral joint property. This land was recorded in the name of late Shri Shivnandan Singh, who had three sons namely S/Shri Duna Singh, Dashrath Singh and Devi Singh (three shareholders). Wife of late Shri Duna Singh, legal heiress, has gifted her share/interest in the joint property in favour of Shri Rajendra Singh, son of Shri Dashrath Singh *vide* Gift deed dated 22.2.1983.

The three sons of Shri Dashrath Singh namely, S/Shri Rajendra Singh, Jogendra Singh and Dilip Singh, have executed a Memorandum of Understanding giving their confirmation and authorization/No objection to the said lease deed no. 2593 dated 12.9.2005 registered at Marhora between Shri Dilip Singh for 6 cottah of land under Survey No. 207 in favour of Shri Dashrath Singh.

As per the search report of the Advocate and the non encumbrance report of the Sub-Registrar dated 25.1.2006, there is no dispute and no court case is pending in any court of law and the property is free from all encumbrances.

- (v) According to the Investigation Report, Shri Dashrath Singh met with a road accident and was hospitalized. It is evident from the medical certificate dated 23.3.2006 issued by Dr. Brajesh Kr. Singh Civil Asstt. Surgeon stating that Shri Dashrath Singh is not suffering from paralysis. Moreover, Shri Dashrath Singh appeared in person on 5.4.2006 before the Committee for the subject investigation and it was found that he was not suffering from paralysis.

9.5 The Committee took the oral evidence of the representatives of the MoP&NG at their sitting held on 18.04.2006. The witness from HPCL stated as under:—

"I want to inform you that the petition received from Sanjeev Kumar, contains five points which were investigated in detail and we got all the relevant documents which we wanted to and after going through all these we found that the selection of dealerships was correct."

The witness also stated:

"In this regard, the petitioner said that he had paralysis and could not run dealership. In this context, we got a certificate from surgeon Dr. Brajesh Kumar Singh. He said that he is not suffering from paralysis in any limbs. He had given reason that in November, 2005 that he met with an accident in which his hip was fractured. He was under treatment, he is an orthopaedician. He said that as a result thereof, he has to take the help to walk. We have also quoted in our written reply. There was an accident and there is no problem like paralysis. In this regard,

all the documents have been taken from the relevant authority and all these attached with the written reply."

9.6 The Committee inquired as to whether the Ministry is satisfied with the witness, the Secretary MoP&NG responded as under:—

"I think our recommendation is that it be dropped because the doctor's certificate, the concerned district authority's certificate on the ownership—everything is available on record as he mentioned. It is authentic authority. It is not bogus authority. Authentic authorities have certified. Our view is that the Committee may please consider the certificates."

APPENDIX-III

24.0 Case of Shri Sanjeev Kumar

24.1 The Committee note that the petitioner applied for retail outlet dealership at location Amnor, Distt. Saran, Bihar in response to an advertisement of HPCL on 11.08.2005. The petitioner was interviewed on 24.12.2005 for the said dealership and he was empanelled second. Shri Dashrath Singh was placed first on the merit panel. the petitioner alleged that the selected candidate had furnished wrong information about the ownership of the land and property etc. The petitioner also alleged that the said candidate was also suffering from paralysis. According to the petitioner, the selected candidate was not eligible for the said retail outlet and therefore requested that the matter may be enquired into and justice may be given to him.

24.2 The Committee were informed that the matter was investigated and the allegations against the first empanelled candidate Shri Dashrath Singh were not found correct. The Committee were informed that Shri Dashrath Singh had submitted copies of registered lease agreements for two plots of land, one under survey No. 208 with Shri Baliram Singh and two-under survey No. 207 with Shri Dalip Singh along with his application for dealership. Both the above referred plots put together met the requirement of plot of land at the advertised location for the first empanelled candidate. The petitioner alleged that a plot under survey no. 208 were taken on lease by Shri Dashrath Singh from Shri Baliram Singh did not belong to the latter. On investigation, the said charge was not found correct. The allegation that the plot was also mortgaged by a relative of Shri Baliram Singh to a bank for a tractor loan was also not found correct. The bank had confirmed that the said property was free from mortgage and there were no dues against tractor loan taken by the relative of Shri Baliram Singh against the said property. It was also informed that there was no dispute about the land (under survey No. 207) and no court case was pending in any Court of Law and the property was free from all encumbrances. The Committee were also informed that Shri Dashrath Singh met with a road accident and was also hospitalized but he was not suffering from paralysis, as certified by the doctor. During the course of evidence, it was also informed that the selection of candidate for the dealership was correct and there were no irregularities in the selection of the candidate. As the investigation did not bring out any fact or nothing was found adverse against the first empanelled candidate, the Committee do not wish to pursue the case further, However, the Committee would like that the retail outlet be commissioned at the earliest without further delay and the relevant documents of the case may be furnished to the Committee.