

GAHC010209272019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 4381/2019

AJANTA SINGPHO
W/O SRI RAMESH SHYAM
R/O BALIPATHAR
DIST. KARBI ANGLONG
PIN-782470
ASSAM

VERSUS

THE UNION OF INDIA AND 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY
MINISTRY OF PETROLEUM AND NATURAL GAS
201-A
SHASTRI BHAWAN
NEW DELHI-110001

2:THE DEPUTY GENERAL MANAGER
KOLKATA LPG REGIONAL OFFICE
HINDUSTAN PETROLEUM CORPORATION LTD. CHURCH LANE
2ND LANE
KOLKATA
-700001

3:THE DEPUTY GENERAL MANAGER
LPG REGIONAL OFFICE
HINDUSTAN PETROLEUM CORPORATION LTD. GUWAHATI IRD BETKUCHI
NEAR BALAJI MANDIR
NH-37 BY PASS
P.O. SAWKUCHI
GUWAHATI-781040

Advocate for : MR. U K NAIR
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 06.11.2024

Heard Mr. A. Boro, learned counsel for the petitioner. Also heard Mr. S. Borthakur, learned counsel for the Hindustan Petroleum Corporation Limited (in short, 'HPCL') and Mr. S. S. Roy, learned counsel for the respondent No. 1.

2. The petitioner's case is that the petitioner had applied for LPG distributorship, pursuant to an advertisement dated 12.06.2018 under the HPCL, at Japorajan location under Bokajan Sub-Division in the district of Karbi Anglong, under open category. The petitioner was provisionally selected for grant of LPG distributorship, for which the petitioner deposited the requisite fees. However, the Deputy General Manager, LPG, HPCL, issued the impugned letter dated 17.04.2019, cancelling the advertisement for the location Japorajan only, with a direction to re-advertise the location with proper nomenclature and clarity.

3. The petitioner's counsel submits that the petitioner is a resident of the area for which the advertisement has been issued, for grant of LPG distributorship. He submits that there is no Gaon Panchayat in Karbi Anglong Autonomous District Council. Further, there are no Panchayat institutions in the said district. He submits that the extract copy of the advertisement shows at Serial No. 4, regarding the Japorajan location, where LPG distributorship is to be allotted, that there is no Gaon Panchayat in Japorajan area. He also submits that there is no Gaon Panchayat in the area under Umpani Town, Bhogchung

(Ghelapata), Zirikindang and Moicham, which are at Serial Nos. 35, 36, 60 & 61. He submits that when allotment of the distributorship has been made in respect of Serial Nos. 35, 36, 60 & 61, where there are no Gaon Panchayats, the respondents could not have cancelled the advertisement and denied allotment of the LPG distributorship to the petitioner, in respect of Serial No. 4 only, i.e. Japorajan area. He accordingly submits that a direction should be issued to set aside the impugned order dated 17.04.2019 and to direct the respondent authorities to award the LPG distributorship in favour of the petitioner in respect of Japorajan area.

4. Mr. S. Borthakur, learned counsel for the HPCL, on the other hand, submits that the allotment of LPG distributorship in the areas under Serial Nos. 35, 36, 60 & 61 can have no bearing on the award of LPG distributorship under Serial No. 4, inasmuch as, Serial No. 35 is under the Bharat Petroleum Corporation, while Serial Nos. 36, 60 & 61 is under the Indian Oil Corporation. On the other hand, Serial No. 4 is under the HPCL.

5. Mr. S. Borthakur also submits that various complaints were received with regard to the applications submitted by the 1st priority applicants, which included the petitioner, when the petitioner was provisionally selected for grant of LPG distributorship. He submits that as per the unified guidelines for selection of LPG distributorship, there are three types of priority applicants to be considered for allotment of LPG distributorship. The 1st priority applicants are those residing in the concerned Gram Panchayat area of the advertised location. The 2nd priority candidates are those residing in the concerned revenue Sub-Division of the advertised location. The 3rd priority candidates are those

applicants, not residing in the concerned Gram Panchayat area or in the concerned revenue Sub-Division of the advertised location. First priority candidates are given the first preference for LPG distributorship. He submits that when there are no 1st priority candidates, then the allotment of the LPG distributorship is considered in respect of the 2nd priority candidates. Thereafter, the distributorship of the 3rd priority candidates is looked into, when there are no 1st and 2nd priority candidates. He submits that in the present case, there were seven 1st priority candidates who submitted their applications including the petitioner, pursuant to the advertisement dated 12.06.2018. Though there was no Gaon Panchayat in the Japorajan location, all the seven priority candidates in their applications have indicated that they reside in the Gram/Gaon Panchayat area of the advertised location. Instead, the 1st priority candidates, including the petitioner, should have indicated in their applications that they did not reside within any Gaon Panchayat area of the advertised location, as there was no Gaon Panchayat. He accordingly submits that as there has been a mistake committed by the petitioner and the 1st priority candidates, the respondents have taken a decision to re-advertise the same, which would enable the petitioner to participate in the new advertisement.

6. I have heard the learned counsels for the parties.

7. A perusal of the extract of the advertisement shows that there is no Gaon Panchayat in the Japorajan location. However, the petitioner has indicated in her application that she belonged to the Gaon Panchayat area, where the Japorajan location has been advertised. Thus, the petitioner has made a wrong statement

and has put herself in the bracket of the 1st priority candidate due to the making of a wrong statement, inasmuch as, it is an admitted fact that there is no Gaon Panchayat in the Japorajan location. The petitioner's application was liable to be disqualified for stating wrong facts.

8. On considering the above facts, this Court does not find any ground to interfere with the decision of the HPCL to cancel the advertisement dated 12.06.2018 and issue a fresh advertisement for the Japorajan location. However, the respondents are directed to return the security deposit to the petitioner, if not returned earlier. Further, as and when the HPCL issues a fresh advertisement for grant of LPG distributorship in the Japorajan location, the petitioner should be allowed to participate in the said advertisement.

9. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant