

CWP No.15913 of 2013

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.15913 of 2013
Date of decision: 29.09.2015

Meena Yadav

....Petitioner

Versus

Bharat Petroleum Corporation Ltd. and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Akshay Bhan, Sr. Advocate, with
Mr. Gurinder S. Sandhu, Advocate, for the petitioner.
Mr. Raman Sharma, Advocate, for respondents No.1 and 2.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition under Article 226 of the Constitution of India has been filed for quashing the order/letter dated 22.05.2013 (Annexure P-7) issued by respondent No.1.

Brief facts of the case are that respondent No.1 issued an advertisement on 05.07.2010 in the newspaper for allotment of BPCL petrol and retail outlet. In pursuance of the advertisement, petitioner and respondent No.3 applied and ultimately it was allotted to respondent No.3. Petitioner filed a complaint. In pursuance of complaint, enquiry was conducted vide Annexure P-6 and notice was issued to respondent No.6. Ultimately, advertisement dated 05.07.2010 was

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cancelled/withdrawn as per observation made in Annexure P-7 which reads as under: -

“Based on investigation and high level committee recommendation, our comments are:

As the advertised location was village Dahina on Rewari Kanina road in district Mahendergarh, the applications received for village Dahina on Rewari Kanina road in district Rewari can not be evaluated.

In view of the above the location village Dahina on Rewari Kanina road in district Mahendergarh advertised in the newspaper Dainik Bhaskar on 05.07.2010 is being cancelled/withdrawn.”

In pursuance of notice of motion, reply has been filed by respondents No.1 and 2 admitting the fact that advertisement itself was defective in which location was wrongly mentioned as “village Dahina on Rewari Kanina Road in District Mahendergarh”. Due to this many persons have been deprived of opportunity to file applications for allotment of retail outlet.

Be that as it may, respondents No.1 and 2 have admitted defect in the advertisement and allotment to respondent No.3 has been cancelled and in view of judgment of the Hon'ble Supreme Court in ***Sr. Divisional Retail Sales Manager, Indian Oil Corporation Ltd. through POA Holder and others v. Ashok Shankarlal Gwalani, 2012 (13) SCC 260*** fresh advertisement shall be issued by respondents No.1 and 2 in accordance with law. Besides advertisement in newspaper, petitioner shall also be informed separately by respondents No.1 and 2.

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Learned counsel for the petitioner raised an argument that she has suffered a loss as the property in question remained vacant and could not be used. Respondent No.1 and 2 have admitted the fact that there was a defect in the advertisement, therefore, she is entitled to compensation.

This Court cannot determine the compensation in this writ petition, however, petitioner will be at liberty to avail other remedies in accordance with law to claim any damages, compensation etc.

Disposed of.

September 29, 2015
R.S.

(Paramjeet Singh)
Judge