

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

CWP No. 23919 of 2011 (O&M)
Date of decision: January 13, 2015

Ramesh Chander Sethi

...Petitioner

Versus

Hindustan Petroleum Corporation Limited and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of 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. Aman Pal, Advocate,
for the petitioner.

Mr. GS Jaswal, Advocate,
for respondents No.1 and 2.

K. KANNAN, J. (Oral)

1. The petitioner, who was the applicant for allotment of retail outlet of petroleum products of the respondent No.1-Corporation, was chosen as eligible, but, however, after the issue of letter of intent it was cancelled through the impugned order (Annexure P/17) on the ground that the land for locating the outlet was not made available. Indeed the land had been identified, which was the property of Haryana Urban Development Authority (in short 'HUDA'), which, according to the petitioner, had been offered to Hindustan Petroleum Corporation Limited (in short 'HPCL'), as suitable for location of petroleum outlet. The impugned order reads that the petitioner failed to provide suitable plot of land technically approved by HPCL and hence the allotment was being cancelled.

2. At the previous date of hearing when the petitioner's plea was that the property identified was one located at Sector 20, Panchkula, the contention was that this property had been withdrawn by HUDA and, therefore, the allotment to the petitioner pursuant to the LOI was not possible. I had sought for information to be elicited from the Corporation about the status of the said property. The counsel for the respondent states that there is no proof of allotment. The counsel for the petitioner places before the Court a response elicited through RTI from HUDA that the site in Sector 20, Panchkula had been allotted in favour of M/s Hindustan Petroleum Corporation Limited through office memo No. 446-463 dated 14.1.2011 and there has been no cancellation of the site or its withdrawal, pending the decision in this case. It is specifically stated by HUDA that the allotment of HPCL has not been cancelled yet.

3. On 8.1.20215, the counsel appearing on behalf of the respondents argued that the allotment of the plot in Sector 20, Panchkula had been taken only for the purpose of granting an outlet to a person either of Schedule Caste category or a person under the “defence category”. I had directed the counsel to file any document that could support his plea that the application to HUDA in the year 2010 was only for the purpose of granting of dealership to any of the said two categories only. Today when the case was taken up the Corporation again gave up that plea and pleads for a new contention that the property could not be taken on lease from HUDA only because the rate stated by them was unviable. The counsel for the petitioner points out that even a contention that it was meant only for the said two categories is not correct since the advertisement itself specially spelt out that it was for general category and not restricted to the two classes

mentioned above. The counsel for the petitioner also points out to the letter issued by the respondent-Corporation to HUDA itself that a letter of intent had been issued to Om Pati and that they were required to take the site on lease from HUDA. This letter dated 26.11.2010 exposes the duplicacy of the Corporation in making an allotment to another person and when the real notification for cancellation of allotment to the petitioner was disclosed, the Corporation is now finding an excuse for not making the allotment and device a new ground which was never brought before this court.

4. I find the reasons given for cancelling the allotment to the petitioner are not justified and purely arbitrary. The petitioner is entitled to allotment at the property which was identified in Sector 20, Panchkula and the Corporation is bound to conclude the rate in a manner that is fair and transparent and consistent with their own policy as regards the terms of lease since the other party concerned HUDA is also a public authority.

5. The respondents will have three months time to complete the transaction and make allotment in favour of the petitioner in accordance with the rules and regulations. The order already passed dated 7.7.2011 that the petitioner had been guilty of not providing a suitable plot as a ground for cancellation of allotment is quashed and the writ petition is allowed on the above terms with costs of Rs. 10,000/- payable by the Corporation to the petitioner.

January 13, 2015
prem

(K.KANNAN)
JUDGE