

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

**LPA No.520 of 2015 (O&M)
Date of Decision: 06.04.2015**

Satyawati

... Appellant

VS.

HPCL & Anr.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. Sumit Sangwan, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant is aggrieved by the order dated 02.12.2014 whereby learned Single Judge has dismissed her writ petition in which she assailed the decision of Technical Evaluation Committee of the respondent-Corporation rejecting the site offered by her for setting-up the Retail Outlet of Petroleum products. The Technical Evaluation Committee turned down the site offered by the appellant and such decision was approved by the Competent Authority who awarded her zero marks under the head "Land and Infrastructure" after observing as follows:-

"As per Clause 4.5.1(1)(ii) of IRC:12-2009 guidelines, the distance from intersection with rural Roads/approach roads to private and public properties should be more than 300 meters. Since the site is not meeting IRC guidelines, the same has been correctly rejected by Technical Evaluation Committee. Accordingly, zero marks

awarded to complainant by L1 committee under land and infrastructure are in order.”

(2) We have heard learned counsel for the appellant and perused the site plan (Annexure P-8) depicting the land offered by the appellant. It is not denied that the passage shown in green colour is a duly sanctioned one under the Consolidation Scheme and thus is not temporary or make-shift which can be closed in due course of time. If the passage would remain as such, the site offered by the appellant, indeed does not fulfill the parameters contained in IRC guidelines.

(3) Still further, learned Single Judge has observed that the appellant would be at liberty to offer that very site in response to the fresh advertisement, and the authorities would reconsider the same objectively. The aforesaid liberty, in our considered view, would give an opportunity to the appellant to re-establish the suitability of her site.

(4) Since the Corporation has taken a decision following the prescribed guidelines uniformly, no case to interfere with the order passed by the learned Single Judge is made out.

(5) Dismissed.

(Surya Kant)
Judge

06.04.2015
vishal shonkar

(P.B. Bajanthri)
Judge