

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

**CWP No.10216 of 2016
Date of Decision:07.06.2016**

Madhu Rani

.....Petitioner

Vs

IOC Ltd. Through its Chairman and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Gaurav Gogna, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for the respondents.

RAJ MOHAN SINGH, J.

[1]. In this writ petition, petitioner has assailed order dated 30.03.2016 (Annexure P-11) passed by respondent-Corporation rejecting the candidature of the petitioner for award of LPG distributorship at Chandigarh under open category.

[2]. It was conveyed to the petitioner that on field verification the information submitted by the petitioner was not found in consonance with the requirement, therefore, it was observed that the petitioner did not have sufficient land for godown at the advertised location.

[3]. Respondent-Corporation along with Hindustan Petroleum and Bharat Petroleum published a notice of appointment of LPG distributors in the State of Himachal Pradesh and UT Chandigarh. Petitioner submitted her application form along with necessary documentation. The case of the petitioner was considered by the respondent-Corporation. After due consideration, name of the petitioner was put in draw of lots. Draw of lots was held on 29.09.2014 and in that process, the petitioner was successful and was declared as selected candidate.

[4]. After necessary compliance, field verification was done by the respondent-Corporation. In the field verification, it was found that the land offered by the petitioner for construction of godown was deficient in terms of minimum dimensions. The case of the petitioner was rejected. Another chance was given to the petitioner in terms of policy decision dated 25.02.2016 to submit another lease deed as per guidelines of the respondent-Corporation. Second option was availed by the petitioner, but the same was also rejected on the ground that lease deed submitted by the petitioner was executed after the last date of advertisement.

[5]. Petitioner also provided alternate land situated in Zirakpur which was not considered by the respondent-

Corporation being situated outside the advertised location. It would be relevant to state that in terms of note appended with guideline No.9 of the application form, date of documents of land for godown should be on or before the date for submission of application as specified in the advertisement or corrigendum (if any) and the same will be verified during field verification.

[6]. The lease deed submitted by the petitioner was of 12.01.2015. It was rejected on the ground that the same was not in consonance with the requirement as made in the application form i.e. the document should be on or before the last date for submission of application form. Even as per guidelines of 2015, petitioner was required to have clear ownership as defined under the term "Own" in the name of the applicant/member of "Family Unit" of the applicant as on the last date of submission of application as specified either in the advertisement or in the corrigendum (if any). In both the eventualities, the requirement was that the lease deed should be of prior date than the date of submission of application form. In the field verification, the case of the petitioner was rejected.

[7]. Learned counsel for the petitioner vehemently contended that as per para A.(II) of the letter dated 10.03.2016, the petitioner was required to submit a lease deed which should be of minimum period of 15 years commencing on any day from

the date of advertisement to the last date of submission of the application as specified in the advertisement dated 30.09.2013. Perusal of this clause also revealed that the date of execution of lease deed should come in between the date of advertisement and date of submission of application form. Even as per this condition, lease deed executed by the petitioner on 12.01.2015 does not fall in the requirement so projected by the petitioner in the aforesaid letter dated 10.03.2016 (Annexure P-8).

[8]. At last learned counsel for the petitioner craved indulgence of this Court for refund of the security deposit as there was no mis-statement of facts by her in the application form.

[9]. On the other hand, learned counsel for the respondent-Corporation pointed out that there was indeed misrepresentation of fact in the application form. The information submitted by the applicant in the application form was to the effect that she was a lessee of 2 kanals 9 marlas of land comprised in khasra No. 19//24/2, whereas as per field verification, she was found to be lessee of only 1 kanal 4.5 marlas of land. Secondly, as per declaration submitted by the applicant, she undertook that she was aware about the eligibility for grant of distributorship which was to be decided on the basis of information given by her in the application. On verification by

the respondent-Corporation, it was found that information given by the applicant was wrong.

[10]. In terms of procedure for draw as contained in brochure, condition No.9.14 deals with the situation where selected candidates in the draw have to submit a demand draft of Rs.50,000/- i.e. 10% of the security deposit of Rs. 5 lakhs for LPG distributorship in urban market. This condition coupled with condition No.10 (c) of the information brochure would make it clear that if in the field verification, the application submitted by the candidate is found at variance with the original documents, candidature of selected candidate in such a case will be cancelled and 10% of applicable security deposit remitted by the candidate would be forfeited.

[11]. In view of aforesaid, the claim for refund of the amount of Rs.50,000/- as deposited by the petitioner cannot be accepted. Looked from any angle, no fault can be found in the impugned order. Resultantly, this writ petition is found to be totally devoid of merit and is accordingly dismissed.

07.06.2016

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**(RAJ MOHAN SINGH)
JUDGE**