

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18743 of 2016
Date of decision: 09.09.2016

Harsh Behal

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rajeev Anand, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present writ petition is directed against the order dated 12.08.2016 (Annexure P-15), whereby the application of the petitioner for award of LPG Distributorship at Sector-35, Chandigarh, under the open category advertised on 30.09.2013, was declined on the ground that petitioner was not having any shop/showroom located in Sector-35, Chandigarh, for which locality the outlet was advertised.

Heard learned counsel for the petitioner.

It is a matter of record that the LPG Distributorship in question was advertised vide Annexure P-1 for Sector-35, Chandigarh. It is also not in dispute that petitioner could not offer any shop/showroom or land located in the advertised location or locality, as specified in the advertisement. He had been granted repeated opportunities by the respondent-Petroleum Corporation but petitioner failed to fulfill the requirement for award of LPG Distributorship. It is not even pleaded or argued case on behalf of the petitioner that he was not

granted due opportunity to put up his case.

Further, learned counsel for the petitioner could not point out the prejudice, of any kind whatsoever, which might have caused to the petitioner, by passing the impugned order. Under this undisputed fact situation, this Court feels no hesitation to conclude that no fault can be found with the impugned order dated 12.08.2016 (Annexure P-15) passed by the respondent-Petroleum Corporation. It was the requirement, as per the advertisement (Annexure P-1), that petitioner must have a shop/showroom or land located in the advertised location or locality, which he was admittedly not having.

In this regard, relevant observations made in the impugned order, at page 82 and 83 of the paper book, which deserve to be noticed herein, read as under: -

“However, regarding location of showroom, we had clarified you that it has been clearly, mentioned in the advertisement dated 30.09.2013 that the show room has to be made in a shop/land located in the advertised location or locality as specified in the advertisement. Kindly note that the location name as per the advertisement is Chandigarh Sector 35 and there was no mention of locality anywhere in the advertisement. Thus, your showroom should be located in Sector 35 of Chandigarh, but land offered by you for showroom is located in 'Maloya' which is outside Sector 35 of Chandigarh. In this regard, a screenshot of google map of Chandigarh UT was also given to you and you were advised to confirm us whether your offered show room is in Sector 35 of Chandigarh or not. However, we have received your reply dated

15.04.2016 wherein you have not confirmed that the land offered by you is in Sector 35 of Chandigarh. In this regard, we wish to draw your kind attention to Eligibility Criteria as provided in Clause 6.1 (viii) of the Brochure about the Selection Guidelines which clearly provides that the applicant should own a suitable shop or a plot of land for construction of showroom as on the last dated of submission of application as specified in the advertisement at the advertised location or locality mentioned in the advertisement.

We again wish to reiterate that although you meet the eligibility criteria w.r.t. lease period of the land for showroom and godown is concerned, but as the land offered by you for showroom is not in the advertised location i.e. Sector 35 of Chandigarh, thus, your application stands rejected as you have failed to meet the common eligibility criteria.

We have also gone through the interim order dated 29th October 2015 passed by the Hon'ble High Court of Punjab & Haryana in writ petition No.21888 of 2014 whereby the Hon'ble High Court has passed interim order to the effect that 'Any allotment will be subject to the final outcome in the writ petition.' However, the Hon'ble High Court has not passed any order restraining the Corporation from taking decision on your application as per the guidelines.”

During the course of hearing, learned counsel for the petitioner could not substantiate any of his arguments, pointing out any illegality in the

abovesaid order and rightly so, it being a matter of record. Petitioner was admittedly not having any shop or showroom/land in the locality of Section-35, Chandigarh for which the LPG Distributorship in question was advertised. In this view of the matter, no illegality has been committed by the respondent authorities, while passing the impugned order, which may warrant interference at the hands of this Court, while exercising its writ jurisdiction under Article 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order dated 12.08.2016 (Annexure P-15) passed by the respondent-Petroleum Corporation has not been found suffering from patent illegality, the same deserves to be upheld. The writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

09.09.2016
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No