In the High Court of Punjab and Haryana at Chandigarh.

CWP- 20020 of 2016
Date of decision: 24.9.2016

Bharat Singh

--Petitioner

Vs.

Bharat Petroleum Corporation Ltd. and another

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Raman B.Garg, Advocate, for the petitioner

Rakesh Kumar Jain, J: (Oral)

The petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the letters dated 12.5.2016 (Annexure P-6) and 23.6.2016 (Annexure P-7).

The respondents invited applications by way of advertisement dated 20.11.2013 for appointing the LPG Distributors at various places in the State of Haryana including the location at Nathusiri, District Sirsa.

Last date for submission of the application was 20.12.2013. The petitioner also applied. He qualified for draw of selection and was informed vide letter dated 06.11.2014. He was successful in the draw held on 26.11.2014. He was directed to deposit ₹25,000/- as security deposit on Field Verification of Credentials (FVC).

On 24.3.2015, the petitioner was informed that draw held on 26.11.2014 was declared null and void in view of the instructions issued by the Ministry of Petroleum and Natural Gas on 21.1.2015, whereby the condition of reckoning of lease period has been relaxed. He was also informed vide letter dated 26.3.2016 that the respondents have decided to withdraw the letter dated 24.3.2015 keeping in view the subsequent letter dated 25.2.2016 issued by the Ministry and, thus, draw held on 26.11.2014 became operative.

During field verification, an objection was raised that the petitioner did not maintain the requisite amount of ₹10,00,000/- in his bank account till the last date of submission of application form as it has been found that the petitioner had withdrawn ₹10,00,000/-on 17.12.2013. The request of the petitioner that the funds in the name of Dayanand Welfare Society run by him and the funds in the name of his father may be considered, was rejected on the ground that the said funds do not qualify to be part of the family unit. However, additional funds shown by the petitioner were counted and it was found that a sum of ₹2,23,000/- was the minimum balance in the account of the petitioner as on 20.12.2013. The petitioner was informed about the funds on 12.5.2016 by the impugned letter Annexure P-6 and vide the impugned letter Annexure P-7 he was informed that in order to consider the case of the petitioner about his shares, he was to proceed further in the matter and consider your request, we hereby advise you to produce the NSDL/CDSL statement of holdings held by you in your name between the date of advertisement i.e. 20.11.2013 and the last date of submission of application i.e.20.12.2013".

The petitioner was given last opportunity to submit the said statement on or before 02.7.2016. It was made clear to him that thereafter his application/request for considering his claim shall not be considered and the matter shall be treated as closed and further necessary action would be taken for the selection of a fresh candidate as per prevailing Guidelines.

Learned counsel for the petitioner has submitted that vide letter dated 25.2.2016, the respondents had relaxed the Guidelines in respect of the location, wherein it has been held that the field verification credentials were to be carried out as per the Guidelines of March 2015. It is submitted that in the Brochure on Guidelines for selection of regular LPG Distributor, August, 2013 (Guidelines of 2013). The condition was that "Have minimum total amount of ₹15 lakhs for Urban Markets and ₹10 lakhs for Urban/Rural & Rural Market respectively as the closing balanace on the last date of submission of application as specified in the advertisement or corrigendum (if any). This amount is to be arrived at by adding amount in Saving Bank accounts in Scheduled Bank/Post Office.

Learned counsel for the petitioner has referred to the Brochure on Guidelines for Selection of Regular LPG Distributors, March 2015 (for short, Guidelines of 2015) in which it is provided that "Have minimum total amount of 15 lakhs for Urban Markets and ₹10 lakhs for Urban/Rural & Rural Markets respectively as the closing balanace on the last date of submission of application as specified in the advertisement or corrigendum (If any). This amount is to be arrived at by adding amount in the financial instruments namely Saving Bank accounts in Bank.

It is submitted by learned counsel for the petitioner that the difference between the Guidelines of 2013 and 2015 is that in the Guidelines of 2013, the word used is Saving Bank Account in Scheduled

Bank,whereas in the Guidelines of 2015, it is Saving Bank Account in Bank. He has, however, admitted that the offer given by the respondents in the letter dated 23.6.2016 (Annexure P-7) to submit NSDL and CDSL on or before 02.7.2016 was not availed.

I have heard learned counsel for the petitioner and examined the record with his able assistance.

It is categorically provided in the application form that "the amount declared above in each case must be available as the closing balance on the last date of submission of application as specified in the advertisement or corrigendum, if any, and the same will be verified during field verification".

The petitioner was required to have minimum ₹10 lakhs and above in his account till the last date of submission of the application. Admittedly, the petitioner had withdrawn the said amount of ₹10 lakhs on 17.12.2013 i.e. three days prior to the last date of submission of application. The argument raised by learned counsel for the petitioner that the amount lying in the account of his school or in the name of his father may be considered as qualification but the said amount does not belong to the petitioner individually and also does not fall within the definition of family. The petitioner himself is responsible as he did not care to comply with the mandatory requirement of the Guidelines of the application form in which a note has been specifically given for maintaining the amount in his account till the last date of submission of application form which the petitioner has failed to maintain as he had withdrawn ₹10 lakhs from the account three days before the last date of submission of application.

Since the allotment of distributorship of LPG is by way of draw of selection and there is a cut throat competition, the petitioner cannot be given any latitude for his own fault and in this regard, the judgment relied upon by the petitioner in the case of CWP No. 6587 of 2014 titled as Mrs. Priya Vs.Bharal Petroleum Corporation Limited decided on 24.2.2015 is of no help to him.

In view of my above discussion, I do not find any merit in this petition and the same is hereby dismissed.

24.9.2016 **(Rakesh Kumar Jain)**
rr **Judge**

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No