

CWP No.20326 of 2016

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

**CWP No.20326 of 2016
Date of decision:29.09.2016**

Smt. Amandeep Kaur

...Petitioner

Versus

Indian Oil Corporation Ltd. and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Pawan Kumar, Senior Advocate, with
Mr. Rozer Kumar Aggarwal, Advocate, for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking quashing of the order dated 07.09.2016 passed by respondent No.2-Indian Oil Corporation Limited (hereinafter referred to as the “Corporation”) by which candidature of the petitioner for allotment of LPG distributorship in the State of Punjab has been cancelled.

In short, the facts, as given to me in the Court, are that on 26.10.2013, the Corporation published the advertisement in “The Tribune” for allotment of LPG distributors at various locations in the State of Punjab including “Ghuman”. There were 16 candidates in the fray and on 19.03.2016, the petitioner was found eligible in the draw of lots. After the draw of lots, the procedure prescribed is that the Corporation holds field verification, in which it has been found that the petitioner is not entitled to be considered for appointment as LPG distributor as she did not submit the material document, namely, lease deed/document of ownership of the land

required for construction of godown. Admittedly, the said registered lease deed is dated 29.07.2016, whereas it is provided in the Guidelines for Selection of Regular LPG Distributors-August 2013 (hereinafter referred to as the “guidelines”) that the evidence with regard to ownership/lease in favour of the applicant has to be submitted and maintained “as on the last date for submission of application as specified in the advertisement”, which in the present case was 25.11.2013, as mentioned in advertisement Annexure P-1.

Counsel for the petitioner has vehemently argued that the petitioner has submitted two registered lease deeds, both of the year 2016, one in respect of the godown and another in respect of the showroom but insofar as the registered lease deed for showroom is concerned, that has been accepted but the candidature of the petitioner has been rejected only on the ground that the registered lease deed for the godown is of 29.07.2016 and is contrary to the mandatory provisions of Clause 6.1(vii) of the guidelines. It is further submitted that the petitioner had offered alternate land of her uncle which would satisfy the requirement but the said land has also not been considered on the ground that the uncle does not fit in the family unit. It is further argued that the impugned order has been passed without hearing the petitioner and, thus, there is violation of principle of natural justice.

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

The distributorship of the LPG is by way of inviting

applications and draw of lots. Thus, there is a cut-throat competition to avail the largesse of the Corporation. The Corporation and the applicant both are bound by the guidelines in which it is specifically provided that when the application is filed, the various eligibility criterias, laid down in Clause 6 of the guidelines, have to be maintained by the applicant as on the last date for submission of the application. The advertisement in this case was published on 26.10.2013 and the last date for submission of the application form was 25.11.2013. Therefore, the petitioner had to maintain all the eligibility criterias, laid down in Clause 6 of the guidelines, till 25.11.2013 but admittedly, he was not having the valid document of his possessing the land for the purpose of construction of godown as on the last date for submission of the application form as the registered lease deed is of dated 29.07.2016.

It is well known that if the lease is for more than 11 months, it has to be registered, as provided under the Transfer of Property Act, 1882, and if a document is not registered, then it cannot be looked into as it has no evidentiary value in terms of Section 49 of the India Registration Act, 1908.

Be that as it may, the fact, as alleged, that the another registered lease deed of the petitioner in respect of the showroom has been accepted and his candidature has been rejected on the basis of the registered lease deed dated 29.07.2016 in respect of the godown is of no consequence because the petitioner has to have the land in her possession/in her name, either as owner or lessee, as on 25.11.2013 and not beyond that.

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There is no error on the part of the respondents in cancelling candidature of the petitioner and insofar as the opportunity of hearing is concerned, the documents have been considered and rejected and, thus, there is no violation of principle of natural justice.

In view of the above, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

September 29, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No