IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.20432 of 2016
Date of decision: 29.9.2016

Prashant Kamboj

... Petitioner

Versus

Bharat Petroleum and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Aditya Sharda, Advocate,
for the petitioner.
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RAKESH KUMAR JAIN, J. (Oral)

This petition is filed for the issuance of a writ in the nature of certiorari for setting aside the communications/order of rejection dated 20.7.2016 (Annexure P-5).

M/s Bharat Petrolum Corporation Limited (in short, "the Corporation") issued an advertisement on 20.11.2013 for appointment of LPG distributors under various categories for various locations in the State of Haryana including Yamunanagar 1 under OBC (Other Backward Class) in the category of Urban Rural Market which is governed by the brochure on guidelines for selection of regular LPG distributors, August 2013 (for short, "the guidelines").

The last date for submission of the applications was fixed as 20.12.2013. The petitioner was allegedly successful in the draw of lots. However, his candidature has been rejected vide impugned order dated

20.7.2016, *inter alia,* on the ground that during Field Verification of Credentials (FVC) carried out by a committee of one officer, it has been found that out of the total liquid fund of ₹ 12,80,000.00, ₹ 6,90,000/- was in his A/c No.05525115002127, OBC, Jagadhri and ₹5,90,000/- was in the name of Lal Singh, his father in his account No.02108040000955 in HDFC Bank, Yamunanagar. On further verification, it was found that the bank account mentioned by the petitioner in his application of the OBC Bank and HDFC Bank were of agriculture OD and Kissan Gold Card Limit accounts. Both the accounts were not considered. The petitioner was informed vide letter dated 20.7.2016 that in a meeting held on 17.6.2016 at Yamunanagar, an opportunity was given to him to submit the details of additional/alternate liquid funds even in non-scheduled banks but the petitioner did not submit the same and has filed the present petition alleging that the amount deposited by him in the OBC Bank and HDFC Bank satisfies the conditions as provided in Clause vi of the Guidelines which is reproduced as under : -

> "Have minimum total amount of ₹ 15 lakhs for Urban Markets and ₹ 10 lakhs for Urban-Rural & Rural Markets respectively **as the closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any)**. This amount is to be arrived at by adding amount in Savings Bank accounts in Scheduled Bank/Post Office, free and un-encumbered Fixed Deposits in Scheduled Banks, Post Office, Listed Companies/Government Organisation/Public Sector Undertaking of State and Central Government, Kisan Vikas Patra, NSC, Bonds, Shares of Listed Companies, Listed Mutual Funds, ULIP, PPF, Surrender Value of Life Insurance policies in the name of Applicant or family members of the 'Family Unit' of the Applicant as defined above. In case of locations reserved under 'SC/ST' category, minimum total amount of ₹ 5 lakhs for Urban Markets and ₹ 2.5 lakhs for Urban-Rural & Rural Markets respectively

> should be available as the closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any)."

Learned counsel for the petitioner has submitted that he has maintained the amount of more than ₹ 10 lakhs in his account as provided in Clause vi of the guidelines till the last date of submission of applications on 20.12.2013 and the respondents were hyper-technical in rejecting his application on the ground that his said two accounts in the OBC Bank and HDFC Bank were not the saving bank accounts. In support of his contention, he relies on **M/s Poddar Steel Corporation** v. **M/s Ganesh Engineering Works and others;** 1991 AIR (SC) 1579.

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

The conditions mentioned in the guidelines in so far as it lays down the criteria is concerned, have to be strictly construed. It is provided therein that the applicant must have ₹ 10 lacs in his account for urban rural market as the closing balance on the last date for submission of application. The said amount is to be available in the saving bank account in the scheduled bank. Admittedly, the account maintained in OBC Bank was agriculture OD and in the HDFC Bank, it was Kissan Gold Card Limit accounts, meaning thereby, these are the only accounts in which the petitioner can borrow amount from the bank and was not his own deposits in the saving bank. Moreover, the petitioner was given one more chance by the respondent corporation after the meeting was held on 17.6.2016 to submit the details of additional/alternate liquid funds even maintained in non-scheduled banks but the said chance was also not availed by the petitioner. The judgment relied upon by the learned counsel for the petitioner is also not applicable as it is altogether on different facts and deciding a different issue.

Thus, keeping in view the aforesaid discussion, I do not find any merit in the present petition and the same is dismissed.

(RAKESH KUMAR JAIN)
JUDGE

September 29, 2016
Paritosh Kumar

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