

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-20681 of 2016
Decided on 03.10.2016**

Sudhir Yadav

--Petitioner

Vs.

The Chairman/Managing Director and another

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

Rakesh Kumar Jain,J: (Oral)

This petition is directed against the order dated 27.8.2016, passed by respondent No.2 cancelling the candidature of the petitioner for allotment of LPG Distributorship.

In short, the facts given to me in Court are that the three Oil Companies, namely Hindustan Petroleum Corporation Limited (HPCL); Bharat Petroleum Corporation Limited (BPCL) and Indian Oil Corporation Limited (IOCL) issued a consolidated advertisement on 20.11.2013 for the

purpose of appointing LPG Distributors under various categories at various locations in the State of Haryana including the distributors of Indian Oil Corporation Limited for Sector 40, Gurgaon in the OBC Category.

The petitioner applied for the LPG distribution in the OBC category on 20.11.2013 and submitted the necessary documents. Last date for submission of application was 20.12.2013. Draw of lot was held in the month of April 2016 in which the petitioner was adjudged successful but his candidature was rejected on 27.8.2016 on the ground that the petitioner has not complied with the mandatory provisions of Brochure on Guidelines for Selection of Regular LPG Distributors August, 2013 (for short, 'The Guidelines') as the lease deed of the land meant for show room was not registered on or before 20.12.2013 and has been admittedly registered on 27.5.2016. The respondents have also forfeited, ₹50,000/- deposited by the petitioner, in term of Clause 11 of the Guidelines.

Learned counsel for the petitioner has argued that the impugned order is illegal because the petitioner had also submitted the lease deed for the construction of godown much before the last date and purchased the stamp papers on 17.12.2013 for the lease of the land for Show Room and executed it before 20.12.2013.

I have heard learned counsel for the petitioner and perused the available record.

There is no dispute that the parties to the lis are governed by the Guidelines. In order to appreciate the argument, it would be relevant to refer to the relevant portion of the Guidelines which is reproduced below:-

“vii Should own as on the last date of submission of application as specified in the advertisement or corrigendum (if any);

a plot of land of minimum dimensions 25 M x 30 M (within 15 km from municipal/town/village limits of the location offered in the same State) for construction of LPG Godown for storage of 8000 Kg of LPG in cylinders. The plot of land for construction of godown not meeting the minimum dimensions of 25 M x 30 M will not be considered.

Or

a ready LPG cylinder storage godown (within 15 km from municipal/town/village limits of the location offered in the same State) of 8000 Kg capacity.

In case there are any state specific requirements/norms applicable for construction of the LPG Godown, then the same will be applicable for the respective Regular Distributorship locations and revised minimum dimensions of plot of land will be required as specified in the Advertisement of that respective State.

The plot of land or ready LPG cylinder storage godown should be freely accessible through all weather motorable approach road (public road or private road connecting road connecting to the public road). In case of private road, connecting to the public road, the same should belong to the applicant/member of Family Unit (as per the multiple dealership/distributorship norm of eligibility criteria) as per the ownership criteria defined below. In case of ownership/co-ownership by family member (s) in respect of such private road, consent letter from respective family member (s) will be required.

The land should also be plain, in one contiguous plot, free from live overhead power transmission or telephone lines. Canals/Drainage/ Nallahs should not be passing through the plot. The land for construction of LPG godown should also meet the norms of various statutory bodies such as PWD/ Highway authorities/ Town and Country Planning Department etc.

(viii) own a suitable shop of minimum size 3 metres by 4.5 metre in dimension or a plot of land for construction of a showroom of minimum size 3 metres by 4.5. metre as on the last date for submission of application as specified in the advertisement or corrigendum (if any) at the advertised location or locality mentioned in the advertisement. It should be easily accessible to general public through a suitable approach road.

In case an applicant has more than one shop of minimum size 3 metre by 4.5 metre in dimension or a plot of land for construction of showroom of minimum size 3 metre by 4.5 metre as on the last date of submission of application as specified in the advertisement or corrigendum (if any) at the advertised location or locality as specified in the advertisement, the details of the same can also be provided in the application.

“Own means having ownership title of the property or registered lease agreement for minimum 15 yrs in the name of applicant/ family member (as defined in multiple distributorship norm of eligibility criteria) as on the last date for submission of application as specified in the advertisement or corrigendum (if any). In case of ownership/ co-ownership by family member (s) as given above, consent in the form of a Notarized Affidavit from the family member (s) will be required”.

According to the aforesaid provisions of the Guidelines, a candidate who has to apply for the LPG Distributorship, has to submit along-with his application, documents showing his ownership of land with specified dimension required for construction of a godown or show room and in case, he does not own it, then he has to submit the application with registered lease agreement for minimum 15 years in his name or in the name of his family member.

Admittedly, the petitioner had submitted the registered lease deed of the godown but he did not submit the registered lease deed for the show room. The stamp papers might have been purchased before the last date for submission of application as specified in the advertisement i.e.17.12.2013 and the parties might have entered into lease agreement before the last date for submission of application i.e.20.12.2013, but the fact remains that the lease deed was registered on 27.5.2016 much after the last date for submission of the application.

It is true that in the allotment of LPG distributorship or petrol

Pump, a cut throat competition is there amongst the applicants. Neither the Oil Company can violate the provisions of Guidelines nor the applicant. Once it is specifically mentioned in the Guidelines that the applicant should own the property which is to be offered by him for the purpose of construction of godown or Show Room or in case he does not own such property, he should have registered lease deed for a minimum 15 years in his name or in the name of his family member, it was incumbent upon the applicant to have submitted the registered lease agreement on or before the last date fixed for submission of application i.e. 20.12.2013.

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

03.10.2016
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: **Yes/No.**

Whether Reportable: **Yes/No**