

In the High Court of Punjab and Haryana at Chandigarh.

CWP No. 5304 of 2012 (O&M)
Decided on 26.4.2016

Shashi Pal Garg

--Petitioner

Vs.

Hindustan Petroleum Corporation Ltd. and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. K.S.Boparai, Advocate, for the petitioner

Mr.Raman Sharma, Advocate, for respondents No.1 to 3

Mr.V.Ramswaroop, Addl. A.G, Punjab, for respondent
Nos.4 and 5.

Rakesh Kumar Jain,J: (Oral)

The petitioner applied for allotment of Retail Outlet Dealership for sale of diesel and petrol at village Ghudani Kalan, Tehsil Payal, District Ludhiana, vide application dated 02.05.2006, in open category, with the Hindustan Petroleum Corporation Limited (HPCI).

The respondents accepted the application and issued a 'Letter of Intent' (LOI) dated 11.12.2006. The petitioner obtained various 'No Objection Certificates', but ultimately on 11.1.2010, he received a letter from the respondents-Corporation by which LOI issued to him on 11.12.2006 was withdrawn and cancelled.

The petitioner allegedly filed a representation-cum-appeal to the Corporation which was not decided, therefore, the petitioner had to challenge the impugned order by filing the present writ petition in this Court though after the expiry of two years.

During the pendency of the writ petition, the petitioner filed an application under Order 6 Rule 17 of the Code of Civil Procedure in March, 2013 to implead additional respondent Nos. 4 and 5 and thereafter, the case remained pending for adjudication,

Learned counsel for the respondents has fairly submitted that even if the impugned order is set aside, still the petitioner cannot be granted any relief because of the subsequent events which are mentioned in the affidavit dated 08.10.2015 of the Senior Regional Manager, Hindustan Petroleum Corporation, Limited, Chandigarh, in which it is averred that during the pendency of the writ petition, the following three outlets have been set up on Payal Rara Sahib Road (2 by HPCL and 1 by IOCL)

- (i) HPCL: Onkar HP Centre commissioned in 2012-13
(Payal II)
- (ii) HPCL:Boparai HP Centre commissioned in 2012-13
(Gudanikalan)
- (iii) IOCL: GH Filling Station commissioned in 2011-12
(Gudani Khurd).

It is further averred in the affidavit that average sale of the aforesaid three petroleum outlets is 62 KL per month during the financial year 2014-15 and there is no further development for establishing a retail outlet in the area being a rural stretch. The investment to be made on the new petroleum outlet by Hindustan Petroleum Corporation Limited is more than ₹50 lacs.

Since already three outlets are functioning, there is no requirement of one more outlet at this stage as the expected return would not be adequate and it would not be in a profitable venture.

It is submitted by learned counsel for the petitioner that the petitioner has been punished by the respondents without any fault on his part as the outlet applied by the petitioner has been cancelled in 2010 and his representation-cum-appeal was not decided in time, therefore, he became late to approach this Court.

After hearing learned counsel for the parties and examining the available record, I find that even if the impugned order is set aside, installation of new outlet on Payal-Rara Road is totally unprofitable because during the pendency of this writ petition, already three outlets have been commissioned which are already mentioned here-in-above. Since it would be a company owned outlet, therefore, in order to save it from another unprofitable venture, the respondents-Corporation has decided not to open another outlet in the same area.

I do not find anything wrong in the approach of the respondents. Hence, I am of the considered opinion that with the efflux of time, the prayer made by the petitioner has become redundant.

Consequently, there is no scope for interference in the writ jurisdiction under Article 226 on the Constitution of India and hence, this writ petition is hereby dismissed.

26.4.2016
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(Rakesh Kumar Jain)
Judge