

CWP No.6054 of 2015

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

**CWP No.6054 of 2015  
Date of decision:28.09.2016**

Bachan Kaur ...Petitioner

Versus

Union of India and others ...Respondents

**CORAM: Hon'ble Mr. Rakesh Kumar Jain**

Present: Mr. Anand Chhibar, Senior Advocate, with  
Mr. Vaibhav Sahni, Advocate, for the petitioner.

Mr. O.P.Dabla, Sr. Panel Counsel, for UOI  
for respondent No.1.

Mr. Raman Sharma, Advocate,  
for the BPCL.

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**Rakesh Kumar Jain, J.**

The petitioner is the widow of Chand Singh who was a freedom fighter. Respondent No.3-Bharat Petroleum Corporation Limited (hereinafter referred to as the "Oil Company") invited applications through advertisement dated 01.12.2007 for appointment of LPG distributors. Chand Singh took the land measuring 02 Kanal 10 Marlas, being 50/402 shares of Khasra No.8//16(4-14), 9//20(7-8), 21(8-0), comprised in Khewat No.95, Khatauni No.224, situated at village Charik, Patti Sarkar, Tehsil & District Moga, on lease by way of lease deed dated 09.01.2008 from Jagjit Singh S/o S. Gurmail Singh for the purpose of construction of LPG godown. It is alleged that there was partition of land between the family members of

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the lessor Jagjit Singh, as a result thereof, land measuring 11 Kanal 02 Marlas comprised in Khasra Nos.8//16(1-10), 15/1(1-4), 9//10/1/2(3-4), 10/2(1-4) and 11/1 (4-0) fell to the share of the lessor of Chand Singh. Though the advertisement was made on 01.12.2007 but because of a civil suit filed by one of the applicants, namely, Budh Ram, whose application was rejected on 06.02.2009, further proceedings in respect of appointment of distributors came to a standstill because of the interim order of the Court dated 21.02.2009. The said civil suit filed by Budh Ram was finally dismissed on 25.04.2012 but the certified copy of the order was received by the Oil Company on 08.10.2013. Thereafter, on 29.11.2013, interview was held by the Selection Committee as per the Guidelines for Selection of LPG Distributors-2007 (hereinafter referred to as the Guidelines of 2007”), in which Chand Singh was declared as the first empanelled candidate. However, before carrying out the field verification, Chand Singh unfortunately expired on 01.11.2014 but before that Chand Singh executed another lease with Jagjit Singh on 29.01.2014 of the land which has fallen to his share. Thereafter, Jagjit Singh sold the land, given on lease to Chand Singh, on 29.09.2014 to Gurtej Singh S/o Avtar Singh, Harmandeep Kaur W/o Gurtej Singh and Gurmeetpal Singh S/o Gurtej Singh. On 21.10.2014, the member of the Field Verification Committee wrote to Chand Singh that on verification it has been found that the land mentioned in the lease deed dated 29.01.2014 is now owned by subsequent owners. Therefore, Chand Singh was asked to obtain NOC from them. After the demise of Chand Singh, the present petitioner sought information under the Right to

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Information Act, 2005, as to whether the Letter of Intent has been issued to Chand Singh, to which it was replied by the Oil Company that the Letter of Intent has not been issued to Chand Singh because the selection process was not over as the field verification of Chand Singh was under progress as he was not able to produce the necessary documents which were required to complete the field verification.

On 06.01.2015, the petitioner was informed by the respondents about the field verification made by the Field Verification Committee, which is as under:-

“During the FVC, team found the following variation w.r.t. The credential submitted by the candidate Late Sri Chand Singh S/o Sh. Dasounda Singh.

**A. Capability to provide Finance:-**

FVC Team verified the bank credential as mentioned in the application form and the variation observed were as under:-

- \* Candidate had mentioned the amount of Rs.50000/- (fifty thousand) as on date of application in the saving A/c No SB-9933, in Central Bank of India – Bucho Mandi, in the name of Mr. Chand Singh (applicant) whereas the amount found is Rs.509/-. Letter from bank certifying the detail was given to FVC team. Hence, there was variance with the detail provided in the application.
- \* Candidates had submitted the Banker Certificate from Oriental Bank of Commerce Bucho Mandi for providing 20 lakhs of Loan. However, the same is found incorrect as per the Bank.

**B. Capability to provide infrastructure:-**

FVC Team verified the details of the Land offered for the construction of the Godown and the showroom and following variation were observed:-

- \* As on date of FVC, Land bearing Khasra no 8//16(4-14), 9//20(7-8), 21(8-0) (which was offered for construction of

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godown in application by Late Sri Chand Singh) sold to Harmandeep Kaur w/o Gurtej Singh, Gurtej Singh S/o Avtar Singh and Gurmeetpal Singh S/o Gurtej Singh. Therefore, Jagjit Singh (lessor) does not have the ownership of the land of Khasra No.8//16(4-14), 9//20(7-8), 21(8-0) as on date of FVC, though the lease agreement vide wasika no.7464 dated 09.01.2008 is valid till date. Subsequently as per the then guidelines FVC team requested Sri Chand Singh vide letter no.BTI.IMP.Moga dated 21.10.2014 & BIT.IMP.MOGA-2 dated 19.11.2014 to provide an NOC from the current land owners of Khasra No.8//16(4-14), 9//20(7-8), 21(8-0) which was offered for construction of godown in application as per the lease agreement. However, the same was not submitted to FVC team by late Sri Chand Singh.”

The petitioner was ultimately informed that the candidature of her husband Chand Singh has been rejected and reasons were given in letter dated 18.02.2015, which are reproduced as under:-

“We regret to inform you that upon filed verification of the information submitted by you in your application mentioned above, the following variance were observed:-

1. You have mentioned the amount of Rs.50000/- (fifty thousand) as on date of application in the saving A/c No.SB-9933, in Central Bank of India-Bucho Mandi, in the name of Late Shri Chand Singh (applicant) whereas the amount found is Rs.509/-. Hence, the information given in the application is incorrect.
2. You have also submitted the Banker Certificate from Oriental Bank of Commerce, Bucho Mandi for providing 20 Lakhs of Loan. However, the same is found incorrect as per the Bank.
3. The variations were also observed during the FVC for the Land offered for the construction of the Godown and the showroom as on date of FVC. Land bearing Khasra No.8//16(4-14), 9//20(7-8), 21(8-0) (which was offered for

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construction of godown in application by Mr. Chand Singh) sold to Harmandeep Kaur w/o Gurtej Singh, Gurtej Singh S/o Avtar Singh and Gurmeetpal Singh S/o Gurtej Singh, as per the latest Jamabandi. Therefore, Jagjit Singh (Lesser) does not have the ownership of the land of Khasra No.8//16 (4-14), 9//20(7-8), 21(8-0) as on date of FVC, though the lease agreement vide Wasika no.7464 dated 09.01.2008 is valid till date. Also you were not able to provide the NOC from the current land owners till date of FVC and as informed by Mr. Jagjeet Singh, your Grandson telephonically and confirmed by Mrs. Bachan Kaur W/o Mr. Chand Singh in her representation that Mr. Chand Singh has expired on 01.11.2014 during the process of the FVC. The representation from Smt. Bachan Kaur dated 27.11.2014 for reconstitution of the distributorship in her name to C&MD, BPCL has already been replied vide LPG HQ Letter dated MKT.LG.8.COM (COMP) dated 06.01.2015.

In view of the above, since Shri Chand Singh does not meet and fulfilled the requirement as per the advertisement & distributor selection guideline 2007, and unfortunately the candidate Shri Chand Singh expired on 01.11.2014 during the FVC process. Hence, the candidature of Shri Chand Singh is rejected for the location Moga under FF Category.”

Counsel for the petitioner has submitted that the order of rejection dated 18.02.2015 is patently illegal. It is argued that the candidature of the petitioner's husband has been rejected after more than 7 years without appreciating the fact that he was a freedom fighter. He has also submitted that the respondents have erred in not referring to the Guidelines for Selection of Regular LPG Distributors (hereinafter referred to as the “Guidelines of 2014”) for the purpose of considering the alternate land and further submitted that the petitioner's husband has also filed an affidavit that because of oversight, he has wrongly filled the figure of

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₹50,000/- in column No.14, whereas in fact there were only ₹500/- in that account.

On the other hand, counsel for the respondents has submitted that there were total 21 candidates who were all freedom fighters, out of whom 14 were found eligible. Deceased Chand Singh was selected but because of a court case filed by one of the candidates, namely, Budh Ram, an injunction order was issued and the proceedings got stuck up, which were finally revived in the year 2013 and, thereafter, in the field verification, it has been found that Chand Singh had given wrong facts in his application. He produced a photocopy of the application and submitted that Chand Singh has wrongly mentioned that he had ₹50,000/- in his account No.9933 maintained in the Central Bank of India, Bucho Mandi, whereas on verification, it has been found that the amount in the said account is only ₹509/- and even the affidavit is false as it is mentioned that it was inadvertently mentioned as ₹50,000/- instead of ₹500/-. He has further submitted that Chand Singh was erroneously given the marks under the head “capability to provide finance” which should not have been given to him as the amount in his account was only of ₹509/-. It is further submitted that in the application, the applicant Chand Singh had given an undertaking that the information given by him is true and correct and any wrong information/ misrepresentation/ suppression of facts would make him ineligible for the LPG distributorship. It is also submitted that since the distributorship is on the basis of the advertisement of the year 2007, therefore, the Guidelines of 2007 are applicable and not the Guidelines of

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2014 and it is categorically mentioned in the Guidelines of 2007 that “*the details given in the application alone will be considered for this purpose and the applicant will not be given the opportunity to offer any other land subsequently (even at the time of interview)*”. It is also submitted by the respondents that the petitioner has not given the No Objection Certificate of the present owners of the land which has been offered by way of amended lease.

I have heard learned counsel for the parties and perused the available record with their able assistance.

The applications for appointment of LPG distributors were invited vide advertisement dated 01.12.2007 to which the Guidelines of 2007 were applicable. The petitioner's husband had submitted the lease deed dated 09.01.2008 but because of the partition of the land owned by the family of his lessor, the khasra numbers were changed and the petitioner's husband obtained another lease deed dated 29.01.2014 but the land was further sold by his lessor. The petitioner did not submit No Objection Certificate from the present owners of the land who became the lessor of the petitioner. Moreover, the petitioner's husband had shown ₹50,000/- in his saving A/c No.SB-9933, maintained in the Central Bank of India, Bucho Mandi, which were found to be only ₹509/-. The petitioner's husband was given marks for “capability to provide finance” on the basis of his representation that he had ₹50,000/- in his saving account. Had he not given the wrong information in his application, the said marks would not have been given to him on the basis of which he had an edge over the other

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14 candidates who were in fray like him. He had also provided the bank certificate for providing loan of ₹20 lacs but the same was found to be incorrect as per the said bank. These aspects have been considered by the Field Verification Committee and found them sufficient for rejection of the claim of the petitioner. The argument raised by counsel for the petitioner that the petitioner should have been allowed to offer alternate land in terms of the Guidelines of 2014 is totally misplaced because the distributorship in question has to be regulated by the Guidelines of 2007.

Thus, in view of the aforesaid facts and circumstances, there is no fault on the part of the respondents in rejecting the claim of the petitioner and as such, the present petition is hereby dismissed being denuded of any merit.

**September 28, 2016**  
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**(Rakesh Kumar Jain)**  
**Judge**

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No