

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

CWP No.8036 of 2015
Date of Decision:-04.08.2016

Krishan Kumar

..... Petitioner

Vs.

Hindustan Petroleum Corporation Ltd. and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sandeep Goyat , Advocate,
for the petitioner.

Mr.Aman Arora, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the letter dated 5.02.2015 by which the application of the petitioner for allotment of LPG distributorship under the Rajiv Gandhi Gramin LPG Vitrak (RGGLV) Scheme at Village Dulhera, District Jhajjar has been cancelled.

In brief, the case set up by the petitioner is that the Hindustan Petroleum Corporation Limited [for short 'the Corporation'] issued an advertisement for allotment of LPG agency at different locations in the State of Haryana, including Village Dulhera, District Jhajjar. The last date for submission of application form was 31.7.2013. One of the essential qualification for entertaining the application was that the applicant must have ₹4 lacs in his account of Bank/Post Office on the last date of

submission of the form. The said condition is provided in the writ petition and is reproduced as under: -

“On the last date of submission of application form the applicant should be holder of Rs.4 lacs. This amount be including the amount deposited in accounts of Bank/Post Office, in enlisted bank, post office/registered company/government institution/in Enterprise of State and Central Government free from encumbrances and Kisan Vikas Patra.”

The petitioner applied within time and mentioned in the application form the name of his Bank as Jhajjar Central Cooperative Bank Limited, Dulhera Branch and the amount was shown as ₹4,95,215/- in his account as on 31.7.2013. The petitioner was sanguine of the correctness of the particulars mentioned by him in the application form and declared it in the following manner.

“Krishan Kumar son of Sh. Surat Singh hereby confirm that the information given above is true and correct. Any wrong information/ misrepresentation / suppression of facts will make me ineligible for this RGGLV.”

After the application is filed, field verification was conducted in which it was found that the petitioner has given wrong facts in his application form about the amount in his account maintained in the Jhajjar Central Cooperative Bank Limited, Dulhera Branch because it was found to be ₹7226/- only instead of ₹4,95,215/-. It was thus found by the Corporation that the petitioner is guilty of *suppressio veri and suggestio falsi* and thus his application form has been rejected on this ground alone that he does not qualify to be considered for the purpose of allotment of LPG distributorship

as per condition No.3 mentioned in the advertisement, which is already referred to, in the earlier part of this order.

Learned counsel for the petitioner has submitted that the petitioner had another account in the Punjab National Bank, Dulhera Branch, District Jhajjar in which he had balance of ₹502491/- as on 31.7.2013, certified by the Manager of the said bank. The said certificate is also produced on record. He has also submitted that due to inadvertence on his part, he wrongly mentioned the name of the bank as Central Cooperative Bank in the application form otherwise the said bank is the Punjab National Bank. He also submitted that the petitioner deposited the demand draft of ₹1000/- drawn on Punjab National Bank as application fee and later on ₹20,000/- as security amount. It is thus submitted that because of an inadvertence on his part he should not be penalized by way of rejection of his application.

On the other hand, learned counsel for the respondents has submitted that the Corporation is not concerned with another account of the petitioner maintained in another bank having more than ₹4 lacs as the Corporation is concerned only with the particulars given in the application form. It is also submitted that the petitioner should have been vigilant at the time of filling the application form and he must have known at that time that the balance in his account maintained in Jhajjar Cooperative Bank Limited was not more than ₹10,000/- but still he mentioned the name of that bank and against that he mentioned some other figure which was incorrect. It is also submitted that the respondents are only concerned with the amount in the account of the applicant mentioned in the application on the last date of submission of application form. He has also submitted that if inadvertence

applications in which correction would be sought by the applicants in respect of other particulars also.

I have heard learned counsel for the parties and perused the available record. The allotment of the retail outlet of LPG distributorship is by way of competition between the applicants. The applications are invited on certain criteria, which has to be read thoroughly by the applicant before filling up the form. All the particulars given in the application form has to be verified and accepted to be correct by the applicant as has been shown in the present case also by the petitioner. It is also provided in the application form that if any information supplied in the application form is found to be incorrect or any fact is found to be suppressed then the applicant would be held ineligible for the allotment of LPG distributorship. The petitioner might be having money in his account in the Punjab National Bank but he has categorically mentioned the name of only one bank account of the Jhajjar Cooperative Bank Limited, Dhulhera Branch in which admittedly he had only ₹7226/- as on 31.7.2013, which is evident from the document attached by the petitioner on record as Annexure P-7 as well.

Thus, in view of the aforesaid discussion, there is hardly any reason with this Court to interfere in this petition and as such the same is hereby dismissed.

04.08.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether non speaking

Yes/No