

LPA no.2014 of 2016 (O&M) 1

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

LPA no.2014 of 2016 (O&M)

Date of Decision : 06.10.2016

Smt. Amandeep Kaur

....Appellant(s)

Versus

Indian Oil Corporation Ltd. And others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN**

**Present : Mr.Pawan Kumar, Sr. Advocate with
Mr. Rozer Kumar Aggarwal, Advocate for the appellant**

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single Judge dated 29.9.2016. The appellant had responded to an advertisement for grant of LPG distributorship for various locations in the State of Punjab. Amongst 16 candidates who were permitted participation by way of draw of lots, the appellant was successful.

One of the essential ingredients for being allotted the distributorship was of being in possession of a suitable land for a godown. This condition is listed in the advertisement as the basic facility required for LPG distributorship and to bring home the point, we may extract the relevant:-

**4. Basic facility required for operation of LPG
Distributorship**

a. Godown for storage of LPG in Cylinders

“LPG Distributor would require a Storage

Godown duly approved and licensed by Chief Controller of Explosives of Petroleum and Explosives Safety Organisation (PESO) for storage of 8000 kg LPG in cylinders.”

The appellant had merely appended the record of rights qua some land without an accompanying lease deed or a valid instrument in law enabling the use of this land as a godown in the eventuality of distributorship being granted in favour of the appellant. Subsequently, communications were exchanged inter se between the appellant and the corporation in which the appellant candidly conceded that she did not have the requisite land on the date of consideration i.e 25.11.2013.

Of particular importance would be a communication dated 8.8.2013 issued by the Corporation asking the appellant to specify if she had an alternate land owned by her or member of family unit or grand parents (both maternal and paternal) of the applicant on the last date of submission of the application ie. 25.11.2013. To this, while replying, the appellant conceded that she did not have the requisite land on 25.11.2013. We may extract the query put by the Corporation and the response of the appellant herself.

Query by Corporation

Please specify if you have any alternate land which is owned by you/member of family unit/parents and grand parents (both paternal & maternal) of the applicant as on last date of submission of application which is 25.11.2013.

You are advised to submit the documents of the alternate land if any so that the FVC is completed. For any

clarification you can contact me on mobile 9417217938.”

Response by the appellant

This is in reference to your letter bearing reference number FVC/GHOMAN dated 8.8.2016 regarding the availability of alternate land for Godown.

I certify that I do not have any alternate land which is owned by me/member of family unit/parents and grand parents (both paternal and maternal) of the applicant as on last date of submission of application which is 25.11.2013 for godown.”

This led to the passing of the order on 7.9.2016 impugned in the writ petition cancelling the candidature of the appellant.

Learned counsel for the appellant contends that no opportunity of hearing was given to the appellant and in this regard, he places reliance on case titled as **Vinod Chaudhary vs. Bharat Petroleum Corporation Ltd and ors** reported as 2014(1)SCT 222 and **Darshan Lal Nagpal (Dead) by L.Rs vs. Government of Nct of Delhi and others** reported as 2012(2) RCR (Civil) 858.

Learned Single Judge while declining the writ petition had noticed this fact of the appellant's not being in possession of the required land on the date of consideration and we would not interfere in such a finding, particularly, when the appellant herself conceded before the authorities that she did not possess any land either in her name or in the name of the member of the family unit or in the name of parents and grand parents (both maternal and paternal) on the date of consideration i.e.

In the wake of admission, the requirement of giving a personal hearing would fade into insignificance considerably. Therefore, we would not agree with the contentions of the learned counsel for the appellant that principle of audi alteram partem was violated. We thus do not find any legal infirmity in the impugned order of the learned Single Judge.

Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

06.10.2016
rekha

(Shekher Dhawan)
Judge

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