

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

LPA No. 856 of 2016 (O&M)

Date of decision : May 19, 2016

Bharat Petroleum Corporation Limited and another

.....Appellants

Versus

Rupinderpal Singh and another

....Respondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Raman Sharma, Advocate
for the appellant.

Mr. B.S. Sidhu, Advocate
for the caveator.

Mahesh Grover, J.

This is an appeal directed against the judgment of the learned Single Judge dated 21.04.2016. The appellant before us is Bharat Petroleum Corporation Limited.

Sites for allotment of LPG distributorship were advertised on 26.10.2013 and published in various prominent newspapers, which mentioned the location pertaining to the dealership. The location with which we are concerned in the present controversy is Gidderbaha.

Under the guidelines for selection of regular LPG distributors issued by the Corporation in August, 2013, it was stated that a person desirous of LPG distributorship should be possessed of certain basic facilities required for operation of LPG distributorship. For the purposes of reference, the relevant may be extracted hereinbelow:-

3. BASIC FACILITIES 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 applicant should own:

a plot of land of minimum dimensions 25 M x 30M (within 15KM 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 25M x 30M will not be considered.

Evidently, the person desirous of the LPG distributorship and one selected, would essentially have to own a plot of land of minimum dimensions 25 metres x 30 metres within 15 kilometres 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 cylinders. The plot for construction of godown if not meeting the

minimum dimensions was not to be considered. Alternatively, the person was required to have a ready LPG cylinder storage godown (within 15 kilometres from municipal/town/village limits of the location offered in the same State) of 8000 Kg capacity.

Learned Single Judge negated the contention of the appellant that this condition of having LPG godown within 15 kilometres is an additional condition to a normal expectation of the godown being constructed within the municipal limits of the location advertised i.e. Gidderbaha.

Before us, the same argument has been addressed and we find that there is absolutely no justification to sustain it.

It is very clearly envisaged in the afore-extracted condition that the basic facilities, which are required for operation of the LPG distributorship is of possessing a land of a prescribed dimension within 15 kilometres of the municipal/town/village limits of the “**location**” (emphasis applied) offered in the same State. The location offered is Gidderbaha and, therefore, a person who is seeking distributorship of LPG necessarily would be required to have land within 15 kilometres of the municipal limits of Gidderbaha to enable him to provide a godown. One does not require much imagination to understand the importance and relevance of this condition as it is directed to ensure safety of the material likely to be stored which is incendiary and inflammable. The plea that it can be located anywhere in Gidderbaha is absolutely unacceptable, for no such specifics have been given in the advertisement.

At this stage, learned counsel for the appellant raises a

plea that there are some sites identified by the town planners for construction of godowns, which may possibly be located at some industrial points within the township. If that was so, then the desirous applicants ought to have been made aware of it and even otherwise this argument seems implausible, in the context of the condition afore-extracted. If a person was to be permitted a godown anywhere in the location advertised, there was no necessity to insist on his having land within 15 kilometres of municipal limits of the location.

We, thus, do not find any merit in the appeal, which is absolutely frivolous and is, accordingly, dismissed.

(Mahesh Grover)
Judge

(Lisa Gill)
Judge

May 19, 2016
rts