

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

CWP No.1278 of 2010 (O&M)

Date of Decision: 11.07.2017

Satish Kumar

....Petitioner

Vs.

Indian Oil Corporation Ltd. and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Lalit Sharma, Advocate,
for the petitioner.

Mr.Ashish Kapoor, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order dated 15.12.2009 by which letter of intent issued to the petitioner has been cancelled by the Indian Oil Corporation Limited [for short 'the Company].

In short, the Company invited applications for allotment of dealership of petrol pump at Village Kanakwal, Tehsil Talwandi Sabo, Distt. Bhatinda. The petitioner applied and was selected for the same and a letter of intent was issued in his favour on 20.4.2001. The Company received a complaint from one Sukhdeep Singh Chahal that the petitioner did not disclose the true facts about his eligibility. The matter was investigated by the Company after giving an opportunity of hearing to the petitioner and found that the petitioner was also partner of another firm namely, M/s Ganga Gas Agency at Mansa. It is also found that since one of the conditions was that the candidate should have included the income of his spouse and depended children which should not be more than ₹2

lacs, therefore, the petitioner restricted his income to ₹1,99,042/- without adding the interest income of ₹1591/-. After the opportunity of hearing was given and the explanation was received from the petitioner, the Company passed the impugned order, which is challenged by the petitioner in this case.

Learned counsel for the petitioner has submitted that the petitioner was not the partner in M/s Ganga Gas Agency and has referred to the reply filed by the Company in the earlier CWP No.16319 of 2003 in which the Company has admitted in para No.8 of the reply that the petitioner was eligible and as per record had not violated any terms and conditions. It is also admitted in para No.12 of the said reply that the petitioner is not a partner in M/s Ganga Gas Service, Mansa. Similar averments have also been made in para No.13 of the said reply.

Learned counsel for the petitioner has also submitted that the amount of ₹1591/-, which has been shown to have received by the petitioner in his saving bank account from interest, has also been shown by the petitioner in his income from business and therefore, it has been wrongly included by the Company. It is also submitted that the petitioner has also wrongly mentioned the figure of ₹199,042/- in the form per mistake.

On the other hand, learned counsel for the respondents has submitted that the policy of the company is that it would not allot multiple dealerships and therefore, the petitioner became ineligible for being partner in another agency i.e. M/s Ganga Gas Agency. In this regard, he has referred to an affidavit of the petitioner filed by way of CM No.2675 of 2001 in CWP No.18026 of 2000 in which the petitioner has admitted

that he is running a gas agency, namely, M/s Ganga Gas Agency in partnership. He has also submitted that it has been made clear to the petitioner in the letter of intent that in case it is found that he has suppressed and / or misrepresented any material facts in his application then his dealership would be cancelled. It is further submitted that the petitioner himself has admitted that the interest of ₹1591/- has not been mentioned in the form by oversight.

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

The only issue in this case is as to whether the order passed by the respondents in cancelling of the letter of intent issued in favour of the petitioner is in accordance with law?

There is no doubt that the petitioner cannot have two dealerships at the same time. Learned counsel for the petitioner has not also stated that the petitioner is entitled to hold two dealerships in the same time rather he has submitted that he was not the partner of M/s Ganga Gas Agency.

The petitioner filed the affidavit dated 30.01.2001 by way of CM No.2675 of 2001 in CWP No.18026 of 2000 in which he has categorically admitted that he is running M/s Ganga Gas Agency in partnership. Insofar as the annual income of more than ₹2 lac is concerned, the petitioner, in order to become eligible, has restricted his annual income to ₹1,99,042/- and did not add the interest income of ₹1591/- which has been credited to his account by the bank. If that amount is also added then the income of the petitioner would cross ₹2 lac. The admission of the petitioner that ₹1591/- could not be added due to

oversight makes it amply clear that the income was there but it did not add the said income in the form at the time of filling of the application.

Thus, in these circumstances, there is hardly any reason with this Court to interfere in this petition and as such the same is hereby dismissed.

11.07.2017

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*