

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-19737 of 2013
Decided on 19.7.2017**

Dharamvir Singh

--Petitioner

Vs.

Indian Corporation Limited

--Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Akshay Bhan,Senior Advocate, with
Mr. Gagan Chhabra, Advocate, for the petitioner

Mr.Ashish Kapoor, Advocate,for the respondent

Rakesh Kumar Jain,J: (Oral)

This petition is filed to challenge the letter dated 22.4.2013 issued by the Indian Oil Corporation (for short, 'the Company') by which 'Letter of Intent' issued to the petitioner for the location “Between KM Stone 30 to 32 NH 8, Delhi Jaipur (LHS)”, District Gurgaon under the category 'Physical Handicap' has been cancelled on the ground that the petitioner has failed to arrange the land.

Learned counsel for the petitioner has submitted that the petitioner has been issued 'Letter of Intent' by the Company as he was fulfilling all the parameters but for the land which he could not arrange

because the land falls in HUDA Sectors and according to HUDA, the land cannot be provided as HUDA develops its Sectors by earmarking the sites for the petrol pumps etc.

Learned counsel has further submitted that he is not in a position to arrange the land at the site, therefore, a direction may be issued to the respondents to consider his case sympathetically to allot him a site elsewhere.

On the other hand, learned counsel appearing on behalf of the Company has submitted that as per terms of 'Letter of Intent', the petitioner was supposed to arrange the land. He has also submitted that the petitioner had given in writing to the Company to the following effect:-

“It is submitted that I am financially sound. In case the retail outlet is allotted to me, I can purchase land for retail outlet at Kilometer stone in between 30 & 32, NH-8, Delhi-Jaipur (left side) within the stipulated time provided. The private land is available therein. Besides, the financial data given by him in the application form, I can arrange enough fund from my close relations and friends for purchase of land for use of retail outlet”.

It is also submitted by Mr. Kapoor that the Company had issued 'Letter of Intent' to the petitioner on the basis of the aforesaid writing not only when he stated that he is financially sound but also he can arrange the land as private land is available and it is stated that there is no scheme of the Company to allot a different site to the petitioner in case he is unable to provide the land.

After hearing learned counsel for the parties and perusing the record, I am of the considered opinion that there is no error in the impugned order dated 22.4.2013 because it was sine-quo non for the petitioner to arrange the land for the purpose of Retail Outlet and since the petitioner has

failed to arrange the land within the prescribed time, the Company was well within its right to cancel the 'Letter of Intent'.

In view of the above, I do not find any merit in this petition and the same is hereby dismissed.

19.7.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: **Yes/No.**

Whether Reportable: **Yes/No**