

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

CWP No.24237 of 2014  
Date of decision : 02.03.2017

Virender Kumar Beniwal

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

Present: Mr. Rajeev Anand, Advocate for the petitioner.

Mr. Dheeraj Jain, Advocate for respondent No.1.

Mr. Raman Sharma, Advocate for respondent Nos.2 and 3.

Mr. A.K. Chopra, Sr. Advocate with  
Mr. G.S. Bhandal, Advocate for respondent No.6.

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**AMIT RAWAL, J. (Oral)**

The grievance of the petitioner in the present writ petition is of not considering his name with regard to consideration of the allotment of distribution of LPG on account of having no land for godown and showroom for a period of 15 years of lease.

In pursuance to the order dated 31.08.2016, petitioner has been considered in the draw of lots and having been found eligible of having lease of 15 years i.e. one of the essential ingredients/qualification and has not been successful according to the statement made by Mr. Raman Sharma, counsel for respondent Nos.2 and 3 i.e. for Hindustan Petroleum

Corporation Ltd., so, therefore the case of the petitioner qua claim of Hindustan Petroleum Corporation Ltd. thus does not survive.

Mr. Rajeev Anand, learned counsel appearing on behalf of the petitioner submits that so far as the application for allotment of LPG Distributorship in pursuance to the advertisement promulgated by Bharat Petroleum, the circular of 25.02.2016, whereby Bharat Petroleum had granted exemption to the persons of not having possession of the land on lease hold basis and giving right of consideration in draw of lots provided the draw of lots has not been taken place, thus, his name could not have been considered. However this fact has been refuted by Mr. A.K. Chopra Sr. Advocate and Mr. Raman Sharma, Advocate on the premise that draw of lots had already taken place on 25.11.2014, whereas notice of motion in the present case was issued on 27.11.2014. Even otherwise as per para No.6.1 (viii) which reads as under:-

*“‘Own’ mean having ownership title of the property or registered lease deed having minimum 15 yrs of valid period from the date of advertisement in the name of applicant/member of “Family Unit” (as defined in multiple dealership/distributorship norm of eligibility criteria). The applicant should have clear ownership as defined under the term ‘Own’ above as on last date for submission of application as specified in the advertisement or corrigendum (if any). In case of ownership/co-ownership by family member(s) as given above, consent in the form of a Notarized Affidavit from the family member(s) will be required.”*

person should have on the last date of submission of the application which is 20.12.2013 either must have possession of land either

as owner or on lease hold basis. Once allotment had already been done, therefore, in my view, petitioner was not rightly held eligible for being considered in draw of lots.

Resultantly, there is no merit in the present writ petition.

Accordingly, present writ petition is dismissed.

**02.03.2017**

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**(AMIT RAWAL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**