

CWP No.19512 of 2017

[1]

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

**CWP No.19512 of 2017
Date of decision:18.12.2017**

Balwan Singh

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Raman Sharma, Advocate,
for respondents no.2 and 4.

Mr. Ashish Kapoor, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for a writ in the nature of *certiorari* for quashing the amendment, brought in the Brochure on Unified Guidelines for Selection of LPG Distributors, issued by all the three oil companies, namely, Indian Oil Corporation Limited, Bharat Petroleum Corporation Limited and the Hindustan Petroleum Corporation Limited.

In brief, the petitioner has averred that respondents nos.2 to 4-Oil Companies had issued an advertisement on 07.03.2017, inviting applications to appoint Non-domestic LPG Distributors in the State of Haryana. They had published the aforesaid brochure, laying down the criteria and other parameters for the purpose of allotment of the LPG distributorship. The petitioner had allegedly submitted his application on 23.04.2017. In para nos.6 and 7 of the petition, the following averments have been made:-

“6. That vide brochure for selection of non-domestic LPG distributors (amended) December 2016, the dealership selection guidelines were changed with regard to ownership of land to approach (III) funds in any bank (IV) reckoning of 15 years of lease period and as per letter a corrigendum has to be issued. Copy of brochure December, 2016 is annexed herewith as Annexure P-4.

7. That these amended guidelines were made applicable to the locations where draws have not been held. The selection criteria has been changed after the advertisement and after the draw of lots had been fixed in order to favour/help the people who had not fulfilled the criteria or their applications had been rejected for non-fulfillment of the criteria and to include them in interview and draw of lots.”

At the time of preliminary hearing when notice of motion was issued, the following arguments were raised by the counsel for the petitioner:-

“Learned counsel for the petitioner has submitted that Advertisement dated 07.03.2017 was invited, pursuant to which the petitioner had applied for appointment of LPG distributor but the respondents have changed the criteria midway, as a result thereof, arena of competition has increased.

Notice of motion for 14.09.2017. Dasti.”

On the adjourned date, i.e. 12.12.2017, the following order was passed by this Court:-

“Sh. Kapoor has submitted that the petitioner has obtained notice in this case by making false averments.

Learned counsel appearing for the petitioner prays for an adjournment stating that the arguing counsel is suffering from throat infection.

Adjourned to 18.12.2017.

To be shown in the urgent list.”

Counsel for the petitioner submits that the similar matters are pending in this Court, in which the criteria has been changed, after the application is filed for seeking appointment of the LPG distributorship.

However, he has admitted, during the course of hearing, that there is no change in the criteria after the application was filed by the petitioner or the advertisement was issued. Thus, as a matter of fact, the petitioner has admitted that the submissions made in para nos.6 and 7 of the writ petition as well as the arguments raised at the time of preliminary hearing on 30.08.2017 were totally alien to the facts and circumstances of the present case and the Court was taken for a ride.

As a result thereof, the present petition is hereby dismissed on the ground of making false averments in the pleadings as well as during arguments, with costs of ₹1,00,000/-, which shall be deposited by the petitioner with the Registry of this Court. In case the cost is not deposited within a period of three months, the case shall be listed before this Court for initiating contempt proceedings against the petitioner.

December 18, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No