

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

CWP-26496 of 2014
Date of decision : 12.01.2017

Suman

..... Petitioner

VERSUS

Union of India and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Sanjiv Gupta, Advocate for the petitioner.
Mr.Ashish Kapoor, Advocate for respondent Nos.2
and 3.

AMIT RAWAL, J.

The petitioner is aggrieved of the impugned order dated 18.08.2014, Annexure P.6, whereby the letter of intent Annexure P-2 dated 13.01.2014 for setting up of retail dealership at Old Sabji Mandi to Jahajpul, Hisar District Hisar under Open (Women) category issued in her favour, has been withdrawn.

Mr.Sanjiv Gupta, learned counsel for the petitioner submits that in pursuance to the advertisement issued in the newspaper, the petitioner had applied for the retail dealership. The interview for the aforementioned subject was held on 12.11.2011 and subsequently, the

Aforementioned letter was allotted. The petitioner offered the land to the Indian Oil Corporation. However, the Indian Oil Corporation evaluated the land which did not confirm the IRC 2009 guidelines of intersection with other road. He submits that no opportunity was granted to provide an alternative site and resultantly into withdrawal of the letter of intent vide Annexure P.6.

Per contra, Mr.Ashish Kapoor, learned counsel appearing for respondent Nos.2 and 3 submits that the ample opportunity was granted. Two months time was given from the date of issuance of the letter of intent for providing new suitable piece of land for setting up of a retail dealership as the location was not confirming to the aforesaid guidelines. Even while cancellation, seven days' time was given to the petitioner for the alternative site and the petitioner failed to do so and, therefore, no cause of action survives and, hence, the writ petition is liable be dismissed.

I have heard learned counsel for the parties and gone through the file and am of the view that no doubt the letter of intent, Annexure P.2, the petitioner was offered the dealership as she provided the land and location by submitting the documents Annexures P.3 and P.4, i.e certificates given by Executive Engineer, Provincial Division

No.1, PWD B&R Branch, Hisar as well as Secretary, Municipal Corporation, Hisar, but the Evaluation Committee found not confirming to the guidelines. While withdrawing the letter of intent vide the impugned order, the respondent-Corporation gave the further period of seven days to the petitioner for the alternative site. For the sake of brevity, the operative part of the impugned order, Annexure P.6, reads as under:

“....In case you wish to submit anything on this issue, the same may be conveyed in writing to us, within 7 days of issuance of this letter.”

In my view, seven days' period is lesser period for granting an opportunity to the petitioner to enable her to found a suitable location as per requirement of the respondents. At least, another period of two months should have been granted for finding a suitable location to adhere the guidelines. Causing of advertisement itself shows that there is necessity and requirement of the fuel station in the residential area.

Accordingly, I set aside the impugned order, Annexure P.6 and direct the respondent-Corporation to treat the present writ petition as representation by granting two months' time to the petitioner to enable her to provide a site free from all encumbrances, much less to the

confirmation of the IRC-2009 guidelines. In case the particulars of location are provided, the same shall be evaluated and thereafter the Corporation shall take a decision thereon. Till then, the letter of intent, Annexure P.2, shall be kept in abeyance.

Let this exercise be completed within four months from the date of receipt of a certified copy of this order; two months for providing the particulars of location and two months for the Corporation to take a decision thereon.

With the aforesaid observations, the present petition is disposed of accordingly.

(AMIT RAWAL)
JUDGE

January 12, 2017
KD

Whether speaking/reasoned:
Whether Reportable:

Yes / No
Yes / No