

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

(103)

CWP-25419-2016

Decided on: February 09, 2017.

Amrinder Singh Cheema

.... Petitioner

Versus

Indian Oil Corporation Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kanwaljit Singh, Senior Advocate, with
Mr. Parunjeet Singh, Advocate, for the petitioner.

Mr. Ashish Kapoor, Advocate, for the respondents.

M.M.S. BEDI, J (ORAL)

The petitioner claims that he had been selected by draw of lots for regular distributorship but it has been cancelled vide order Annexure P-9 intimating the petitioner that he did not fulfill the eligibility as per Clause 6 (vi) of Brochure on the Guidelines for Selection of Regular LPG Distributors because funds available with the petitioner on the last date of submission of application, were not as per the condition of availability of the requisite funds mentioned in the conditions. Certain shares which were to be transferred in the name of the petitioner by last date of submission of application, had not been transferred to bring the petitioner within eligibility criteria.

The impugned order dated 16.11.2016 clearly indicates that the petitioner had not been granted any opportunity of hearing before determining his right and interest in the allotment of distributorship. No doubt, there is no mention of opportunity of hearing to be provided as per the Guidelines for Selection mentioned in the Brochure, Annexure P-2, but

since the petitioner had acquired right and interest in the distributorship at location Gurdaspur-I which has been withdrawn by a unilateral order, the principle of '*audi alteram partem*' would come into operation.

The said plea has been held to be applicable in such cases, in CWP-20873-2012 decided on 16.01.2017 in Amarjeet Kaur Vs. Union of India and others by a Coordinate Bench of this Court. Endorsing the said factum, I am of the considered opinion that rules of natural justice require that the petitioner should have been given an opportunity of hearing before cancellation of his selection for the proposed Regular Distributorship at location Gurdaspur-I in open category pursuant to the advertisement dated 26.10.2013 under the Market Plan 2013-14.

This petition is allowed. Order Annexure P-9 is hereby set aside and a direction is issued that the petitioner will be permitted to clarify his position in context to the reasoning adopted by the Indian Oil Corporation Limited, for cancelling the dealership of the petitioner. The said plea will be considered in the light of the rules and regulations of the respondent-Company and the plea, put forth by the petitioner within a period of one month, will be considered within a period of two months and the result will be communicated to the petitioner by registered post.

(M.M.S. BEDI)
JUDGE

February 09, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No