

CWP-5288-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

116

**CWP-5288-2017 (O&M).
Decided on: March 29, 2017.**

M/s Dhillon Indane Gramin Vitrak

.. Petitioner(s)

VERSUS

UOI and another

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.B.S.Jaswal, Advocate,
for the petitioner.**

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

Misc. application CM-4537-CWP-2017 is allowed.

Documents Annexures P5 and P6 are permitted to be taken on record.

Petitioner-agency claims that it had been appointed as LPG distributor in village Bhindi Saidan, District Amritsar, as per agreement dated 22.5.2013. The petitioner is re-classified as Gram Vitrak which is required to supply 1500 cylinders in the area of 15 kilometres as per the obligation under Annexure P3, issued by the Indian Oil Corporation Limited.

Through the instant petition, the petitioner challenges the advertisement published in the newspaper dated 26.12.2016 inviting applications for allotment of LPG distributorship regarding two location at Kohali and Lopoke in District Amritsar, on the ground that this will

CWP-5288-2017 (O&M)

tantamount to overlapping the distributorship jurisdiction of the petitioner making it difficult for the petitioner to achieve the targets as mentioned in letter Annexure P3. The petitioner also apprehends that the appointment of distributors in the close vicinity will prejudice the professionally paid income of the petitioner which would be unreasonable restriction on the running of the business.

I have heard the learned counsel for the petitioner and I am of the opinion that whether the appointment of new dealers pursuant to the advertisement would prejudice the right of the petitioner or would violate any statutory or legal obligation or it would provide a healthy competition which might be beneficial for the general public, cannot be adjudicated upon by this Court, at this stage, by entering into the disputed questions of fact. It is always open to the petitioner to approach the competent authority of the Indian Oil Corporation Limited of the area and apprise the breach of any statutory obligation or violation of any fundamental right which can only be analysed and appreciated by the Company.

So far as the difficulty in achieving the prescribed goals is concerned, the said difficulty may also be brought to the notice of the Indian Oil Corporation Limited.

The petition appears to be not maintainable.

The petition is dismissed, at this stage, with liberty to the petitioner to first avail the alternative remedy by portraying its grievance before the competent authority and in case of any unreasonable action or

CWP-5288-2017 (O&M)

discriminatory attitude, it will be open to the petitioner to approach this Court at opportune time.

(M.M.S. BEDI)
JUDGE

March 29, 2017.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No