

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 224 of 2016

Date of Decision: 21.04.2017

Bharat Petroleum Corporation Limited and Others

... Appellant(s)

Versus

Amit Kumar and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Raman Sharma, Advocate
for the appellant(s).

Mr. Deepak Balyan, Advocate
for respondent No.1.

Mahesh Grover, J.

The appellants are aggrieved of the judgment dated 19.12.2015, passed by the learned Single Judge.

The appellants had given out an advertisement for grant of retail outlet in the location known as “Thana Chappar”. However, after initiating the process and before the draw of lots, they realized that there is no village by the name of “Thana Chappar” and rather the location is known as “Chappar Mansurpur”. Realizing their mistake, they cancelled the advertisement, which was challenged by the writ petitioner and accepted by the learned Single Judge; now the cause of grievance of the appellant.

Learned counsel for the appellant contends that no vested rights

had accrued to respondent No.1 and in any case, the appellants were well within their rights to rectify their mistake they had discovered. Even otherwise, it has been argued that before the allotment could be made, they could easily change their choice of location for the retail outlet.

Learned Single Judge has observed as follows:-

“Thus, keeping in view the facts and circumstances of the case, I am of the considered opinion that the respondents have committed an error in cancelling the advertisement of location ‘Thana Chappar’ on the ground that it is not mentioned in the revenue record as the said location is mentioned as ‘Chappar Mansurpur’ but the said location of ‘Chappar Mansurpur’ is popularly known as ‘Thana Chappar’. The respondents should not have cancelled the advertisement because no one has made a complaint that he has been misled because of the wrong mentioning of the location and the location of ‘Thana Chappar’ can also be described as ‘Thana Chappar’ alias ‘Chappar Mansurpur’ as the location is the same and is situated in District Yamunanagar. Hence, the present petition is hereby allowed and the impugned letter dated 24.7.2015 is quashed.”

We are of the opinion that the learned Single Judge fell in error in not appreciating the fact that the Corporation was well within its right to rectify the mistake as the village was incorrectly mentioned and even otherwise before the retail outlet could be granted, they were very well within their rights to ever order re-location of the sites.

impugned order is set aside leaving the appellant to continue with the process of allotment of retail outlet.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

April 21, 2017
“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No