

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

LPA No.2212 of 2017 (O&M)

Date of Decision : 21.11.2017

M/s Ashok Indane Gas Service and another

....Appellants

Versus

Union of India and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

...

Present : Mr.Bhupinder Ghanghas, Advocate
for appellants.

...

MAHESH GROVER, J. (Oral)

CM-4864-LPA-2017

Marginal delay of 4 days in filing the appeal is condoned.

C.M.stands allowed.

LPA No.2212 of 2017

This appeal is directed against the judgment of the learned
Single Judge dated 06.10.2017.

The appellants had questioned the advertisement given out
by the Indian Oil Corporation for a retail outlet. The grievance of the
appellants is that since they are already existing dealers serving
customers within the radius of 15 KMs, another dealer within that
area would not only be detrimental to their business but also contrary
to the terms of the brochure, in particular the following one extracted
herebelow :

“ii. **Gramin Vitrak:** In this document, the work ‘Rural Area’ will have the definition of ‘Rural’ as per census 2011. LPG distributorship located in ‘Rural Area’ will be called as Gram Vitrak and will service the LPG Customers of the specified rural area. Generally it will cover all villages falling within 15 KMs from the boundary limits of the LPG distributorship location and or the area specified by the respective OMCs.”

The learned Single Judge declined interference on the ground that the appellants cannot dictate to the Corporation the location of the retail outlet and we would have no reason to differ with such an observation particularly when reading of the aforesaid clause also gives sufficient flexibility to the Corporation to have dealership even within 15 KMs. The use of word ‘generally’ is an indicator that it is not to be considered as a watertight jacket of 15 KMs. It is evident that the appellants are trying to avoid competition and have filed the petition.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

21.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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