

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14545 of 2018

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Pooja Kumari, D/o Phuleshwar Singh, Resident of At+P.O.- Sisauni
Afzalabali, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Hindustan Petroleum Corporation Limited, having its registered office at 17, Jamshedjee Tata Road, Mumbai.
2. The Regional Manager, Eastern Region, Hindustan Petroleum Co. Ltd., having its office at Purnea L.P.G. Regional Office, H.P.C.L., Industrial Growth Centre, Maranga, Purnea.
3. Deputy General Manager, H.P.C.L., Industrial Growth Center, Maranga, Purnea.
4. The Area Marketing Manager, Hindustan Petroleum Corporation Limited, Purnea L.P.G. Regional Office, H.P.C.L., Industrial Growth Centre, Maranga, Purnea.
5. The Regional Coordinator, Eastern Regional Office, Hindustan Petroleum Corporation Limited, Purnea having its office at L.P.G. Regional Office, H.P.C.L., Industrial Growth Centre, Maranga, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar Singh, Advocate
For the Respondent/s	:	Mr. Neeraj Kumar Gupta, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 02-08-2018

Heard learned counsel for the petitioner and learned counsel appearing for the Hindustan Petroleum Corporation Limited(hereinafter referred to as the Corporation).

2. Petitioner seeks quashing of the letter dated 18.06.2018 (Annexure-10) by which the respondent-Corporation has finally rejected the candidature of the petitioner for LPG distributorship and forfeited Rs. 40,000/- deposited by the petitioner after her selection as a LPG distributor.



3. Petitioner also sought quashing of part of letter dated 31.03.2018 (Annexure-6) by which the respondent-Corporation has directed the petitioner to arrange an alternative piece of land within 10 days as stipulated in the advertisement/ brochure of Unified Guidelines for Selection of LPG Distributors (hereinafter referred to as the Guidelines).

4. The facts of the case is that on an advertisement in the daily newspaper on 17.06.2017 under RGGLV for appointment of LPG distributorship, the petitioner applied at the rural location and female open category at village Sahasram district Darbhanga. After scrutiny of the application, the petitioner became eligible for participating in the lottery. Having been successful, vide letter dated 10.01.2018 (Annexure-2) the petitioner was asked to deposit a sum of Rs. 40,000/- as per the Guidelines. The documents filed by the petitioner was reviewed by the respondent-Corporation observing that the land offered was registered on 13.01.2018 whilst the last date of application was 16.07.2017 and as per Clause 1(w) of the Guidelines, the application of the petitioner was rejected vide order dated 17.01.2018 (Annexure-4). Petitioner submits that the said land offered for showroom was leased out to the petitioner on 14.07.2017, but it was only registered on 13.01.2018 and since it was not meeting the eligibility criteria, an



alternate land was asked meeting the eligibility conditions/ requirements as per the Guidelines. Petitioner did not provide an alternative land, hence, the candidature of the petitioner was rejected and Rs. 40,000/- deposited with the Corporation stood forfeited vide impugned letter dated 18.06.2018 (Annexure-10).

5. Learned counsel for the petitioner submits that the land was duly leased out to the petitioner on 14.07.2017, although, it was registered on 13.01.2018 and the lease agreement is prior to the last date of filing of application. He contends that the lease was not disputed by the lessor and the petitioner fulfills all the necessary criteria as prescribed in the advertisement and Guidelines. Hence, the rejection of the candidature of the petitioner is not justified in the eye of law.

6. On the other hand, learned counsel for the Corporation submits that as per Clause 1(w) and Clause 8(j) the leased land was not a registered lease deed on the last date of submission of application i.e. 16.07.2017 which was only registered on 13.01.2018, as such, the petitioner being a selected candidate was asked to provide an alternate land as per Clause 8(j), which she did not provide. Hence, her candidature has been rejected and Rs. 40,000/- forfeited as per terms and conditions of



the advertisement. Relevant extracts of Clause 1(w) and Clause 8(j) is reproduced hereinbelow :

“1(w). ‘Ownership’ or “Own” for godown/ showroom for Sheheri Vitrak, Rurban Vitrak, Gramin Vitrak and Durgam Kshetriya Vitrak Type of Distributorship means having:

a. Ownership title of the property

Or

b. Registered lease deed having minimum 15 years of valid lease period commencing on any day from the date of advertisement up to the last date of submission of application as specified either in the advertisement or corrigendum(if any).

Additionally, applicants having registered lease deed commencing on any date prior to the date of advertisement will also be considered provided the lease is valid for a minimum period of 15 years from the date of advertisement. The applicant should have ownership as defined under the term ‘own’ above in the name of applicant/ member of “Family Unit” (as defined in multiple dealership/ distributorship norm of eligibility criteria)/ parents (includes Step Father/ Step Mother), grandparents(both maternal and patenral), Brother/Sister (including Step Brother & Step Sister), Son/Daughter (including Step Son/Step Daughter), Son-in-law/ Daughter in-law of the applicant or the spouse (in case of married applicant) as on last date for submission of application as specified either in the advertisement or corrigendum(if any). In case of ownership/ co-ownership by family member(s) as given above, consent in the form of a declaration from the family member(s) will be required.



8(j). Opportunity to offer alternate land for Godown and/ or showroom

In case if the offered land for Godown and/ or offered land for showroom by the selected candidate which is shown in the application is found not meeting the eligibility conditions/ requirements as stipulated in the advertisement/ brochure/ application at the verification (FVC) stage, then the selected candidate can offer an alternate land which is owned by the applicant/ member of the 'Family Unit'/ parents (includes Step Father/ Step Mother), grandparents(both maternal and patenral), Brother/Sister (including Step Brother & Step Sister), Son/Daughter (including Step Son/Step Daughter), Son-in-law/ Daughter in-law of the applicant or the spouse (in the case of married applicant) as on the last date for submission of application as specified either in the advertisement or corrigendum if any.

Selected candidate, who has been issued an Letter Of Intent(LOI) can offer an alternate land which is owned by the applicant/ member of the 'Family Unit'/ parents (includes Step Father/Step Mother), grandparents(both maternal and patenral), Brother/Sister (including Step Brother & Step Sister), Son/Daughter (including Step Son/Step Daughter), Son-in-law/ Daughter in-law of the applicant or the spouse (in the case of married applicant) for construction of Godown/ Showroom, in the advertised location provided the land originally offered in the application was meeting all the specifications as laid down in the advertisement and on the basis of which LOI is issued."



7. After hearing the parties, this Court is of the considered view that the selection of the candidates for LPG distributorship is strictly in accordance with the terms of the advertisement and the Guidelines. Once a candidate does not fulfill the requirements or conditions, the candidature is fit to be rejected. In the present case, the petitioner had offered land which did not fulfill the eligible terms and conditions of the advertisement and Guidelines. She was given an opportunity to provide an alternate land as per the advertisement and Guidelines, which she failed to provide. Hence, the cancellation of the candidature of the petitioner cannot be faulted on any score.

8. The writ application is devoid of merit. It is dismissed.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	AFR
CAV DATE	30.07.2018
Uploading Date	02.08.2018
Transmission Date	NA

