

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.6287 of 2018 and  
W.M.P.No.7774 of 2018

L.Karthik Gnanasekaran

.. Petitioner

Vs.

The Territory Manager (LPG),  
Bharat Petroleum Corporation Ltd.,  
Chennai LPG Bottling Plant,  
J1-J6, SIPCOT Industrial Complex,  
New Gummidipoondi,  
Thiruvallur District - 601 201. .. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent and quash the impugned letter dated 13.02.2018 in No.CHN:LPG:GV:ODUGATHUR issued by the respondent cancelling the petitioner's selection and application in Ref.No.BPC03303027225092017 for LPG Distributionship at Odugathur and consequently direct the respondent to consider the petitioner's representation dated 23.02.2018 for selection of LPG Distribution in Odugathur, Vellore District, on the basis of respondent's Confirmation Letter dated 30.11.2017 for LPG Distributionship.

For Petitioner : Mr.L.Chandrakumar  
for Mr.L.K.Manjunath

For Respondent : Mr.M.Vijayan  
for M/s.King & Patridge

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O R D E R

This Writ Petition has been filed challenging the impugned letter in No.CHN:LPG:GV:ODUGATHUR dated 13.02.2018 issued by the respondent cancelling the petitioner's selection and consequently direct the respondent to consider the petitioner's representation dated 23.02.2018 for selection of LPG Distributorship in Odugathur, Vellore District, on the basis of respondent's Confirmation Letter dated 30.11.2017.

2. Mr.L.Chandrakumar, learned counsel appearing for the petitioner submitted that tomorrow i.e. 04.04.2018 is the date fixed for "Draw of Lots" for selecting the candidates for allotment of LPG Distributorship. The petitioner applied for appointment of LPG Distributorship with the respondent on 25.09.2017 and on that date, he was not in possession of the land meant for establishing the Godown and Showroom. The petitioner has entered into a sale agreement on 05.12.2017 and the Sale Deed has been executed on 28.12.2017 and only thereafter, on 21.12.2017 the Field Verification was undertaken and officer-in-charge of the Field Verification have noticed that the petitioner was also in possession of the land required for establishing the Godown. Therefore, the reasons cited in the impugned order that the petitioner was not in possession of the land for Godown on the date of his application dated 25.09.2017 should not be put against the petitioner. In any event, the respondent is going to conduct "Draw of Lots" for selecting the candidates for LPG Distributorship, if for any reason, the respondent is unable to file any suitable candidate, a direction may be given to the respondent to consider the case of the petitioner taking into account that the petitioner was in possession of the land meant for Godown on the date of Field Verification conducted on 21.12.2017 instead of 25.09.2017.

3. The learned counsel appearing for the respondent submitted that the impugned order has specifically mentioned the reason for rejecting the candidature of the petitioner, as he has not complied with the conditions mentioned in Clause No.5 of the Application. It says that the eligible candidate applied for LPG distributorship selection should have possess the requisite land for establishing the Godown on the cut off date i.e. on 25.09.2017, as the petitioner has entered into a sale agreement on 05.12.2017 and admittedly, the sale deed executed only on 28.12.2017 and it is a clear case that the petitioner has not fulfilled the condition mentioned in clause 5 of the Application.

4. As per the conditions mentioned in clause 20 of the Brochure on Unified Guidelines for Selection of LPG Distributors at page 24 of 47, which is given as under:

"a. Re-Draw for selection would be held from the remaining eligible applicants in the following cases:

i. Rejection of selected candidate due to findings in the field verification (FVC).

ii. Failure of selected candidate to deposit 10% of the security deposit and/or documents within the stipulated time.

iii. LOI is withdrawn from the selected candidate.

iv. The distributor is terminated within one year of commissioning.

b. Re-draw will be carried out by following the procedure for Draw outlined in Para 15 & 16 above."

5. This Court agreeing with the reply made by the learned counsel for the respondent makes it clear that the respondent can proceed on the basis of the condition mentioned in clause 20 of the Brochure on Unified Guidelines for Selection of LPG Distributors and if the respondent is unable to file any suitable candidate, in that event, instead of going for fresh application inviting for eligible candidates for LPG Distributorship, they can consider the case of the petitioner.

6. With these observations, this Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

sri

To

The Territory Manager (LPG),  
Bharat Petroleum Corporation Ltd.,  
Chennai LPG Bottling Plant,  
J1-J6, SIPCOT Industrial Complex,  
New Gummidipoondi,  
Thiruvallur District - 601 201.

+1cc to Mr.L.K.Manjunath, Advocate, SR.No.24588

+1cc to M/s.King & Partridge, SR.No.24526

W.P. No.6287 of 2018

KGK (CO)

RRK (03/04/2018)

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