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

**CWP No.21888 of 2014 (O&M)
Date of decision:14.05.2018**

Harsh Behal

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. B.S.Sidhu, Advocate,
for the petitioner.

Mr. G.S.Jaswal, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner has challenged the orders dated 30.06.2014 (Annexure P-4), dated 20.08.2014 (Annexure P-6), dated 25.08.2014 (Annexure P-7 and dated 26.08.2014 (Annexure P-8), by which application of the petitioner for the grant of LPG Distributorship has been rejected.

In brief, the Indian Oil Corporation Limited (IOCL), Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL), i.e. the Public Sector Undertaking Oil Marketing Companies, issued a common advertisement on 30.09.2013 for inviting applications to appoint LPG Distributors under various categories at various locations in Himachal Pradesh and Union Territory, Chandigarh. The petitioner applied in open category for the location of Sector-35, Chandigarh offered by the HPCL. He mentioned the particulars of location for construction of showroom in Maloya. He filed the application on 30.10.2013 along with lease deed for the

godown obtained for a period of 15 years, valid from 25.10.2013 to 24.10.2028. The petitioner received a letter dated 30.06.2014 from the HPCL informing him that he did not have the land for godown and showroom for a period of 15 years as on the last date of submission of application, i.e. 30.10.2013 and, thus, he was not eligible. However, he made a representation on 31.07.2014 and in response received a letter dated 20.08.2014 by which the petitioner was informed that his application is rejected as he did not have the land for godown or showroom for a period of 15 years as on the last date of submission of application form. The petitioner received another communication from the respondents on 25.08.2014 in which it was mentioned that the lease period of 15 years in the case of the petitioner was from 25.10.2013 to 24.10.2028, whereas the lease period of 15 years is to be considered from the last date of submission of application form, i.e. 31.10.2013, therefore, his candidature was cancelled. Thereafter, the petitioner received another communication on 26.08.2014 informing him that his application has been rejected.

On 31.08.2016, this Court had recorded the following order:-

“Counsel appearing on behalf of HPCL has submitted that the rejection orders Annexure P-4, P-6 and P-7 have been withdrawn and the candidature of the petitioner for allotment of LPG has been declared eligible. Therefore, the writ petition against HPCL has become infructuous.

Counsel for the petitioner submits that cause of action survives against the other respondents.

Adjourned to 11.11.2016.

Qua HPCL/respondent, this petition has become infructuous.”

Counsel for the respondents has submitted that the petitioner is

otherwise not eligible because he has not offered the plot for the purpose of showroom in Sector-35 and has admittedly offered the land in village Maloya, which is not a part of Sector-35. In support of his submissions, he has referred to the contents of the advertisement, which read as under:-

“3. BASIC FACILITIES REQUIRED FOR OPERATION OF LPG DISTRIBUTORSHIP

a. Godown for Storage of LPG in Cylinders

LPG Distributor would require a Storage Godown duly approved and licensed by Chief Controller of Explosives Safety Organisation (PESO) for storage of 8000 kg LPG in cylinders.

The applicant should own:

a plot of land of minimum dimensions 25 M x 30 M (within 15 km from municipal/town/village limits of the location offered in the same State) for construction of LPG Godown for storage of 8000 Kg of LPG in cylinders. The plot of land for construction of godown not meeting the minimum dimensions of 25 M x 30M will not be considered.

OR

a ready LPG cylinder storage godown (within 15 km from municipal/town/village limits of the location offered in the same State) of 8000 Kg capacity.

b. Showroom

A showroom of minimum dimensions 3 metre by 4.5 metre as per the standard layout is to be made in a shop/land located in the advertised location or locality as specified in the advertisement for LPG distributorship and it should be easily accessible to general public through a suitable approach road.”

According to the respondents, the land for the showroom has to be offered in the advertised location. It is submitted that the advertised location is Sector-35, Chandigarh and the land offered by the petitioner for

showroom is in village Maloya, which is not a part of Sector-35, Chandigarh.

Counsel for the petitioner has though vehemently argued that in case the petitioner would get the distributorship, he would cater the needs of the other areas as well beyond Sector-35, therefore, it is not necessary to have showroom in Sector-35 only but he could not deny the fact that Maloya is not a part of Sector-35, Chandigarh and, therefore, the land offered by him is not in the advertised location.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the petitioner has no case for the purpose of allotment of distributorship because he do not fulfill the required conditions as prescribed in the advertisement. Admittedly, he has offered the land for the purpose of showroom in village Maloya, whereas the advertised location for the distributorship is Sector-35, Chandigarh, therefore, the petitioner do not qualify for the purpose of allotment of distributorship.

Consequently, the present petition is hereby dismissed being denuded of any merit.

May 14, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No