

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

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*CWP No.7070 of 2016*  
*Date of Decision: 24.01.2018*

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Harvinder Singh

. . . . Petitioner

Vs.

Bharat Petroleum Corporation Ltd. and another

. . . . Respondents

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***CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN***

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Present: Mr.Raman B. Garg, Advocate, and  
Ms.Gitanjali Chhabra, Advocate,  
for the petitioner.

Mr.Raman Sharma, Advocate,  
for the respondents.

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***RAKESH KUMAR JAIN, J. (ORAL)***

The petitioner has challenged the order dated 26.3.2016 passed by the Bharat Petroleum Corporation Limited [for short 'the Corporation'] by which application filed by the petitioner for the allotment of Regular LPG Distributorship in the OBC category for the Marketing Plan 2013-14 has been rejected.

In short, the Corporation issued an advertisement on 26.10.2013 for inviting applications to appoint LPG distributor at various places in the State of Punjab including Bhawanigarh, District Sangrur in the OBC Category. The application of the petitioner was considered and was made part of the draw of lots which was held on 21.10.2014 in which he was successful. The petitioner was then asked to deposit ₹25,000/- for the Field Verification of Credentials [FVC]. After the said amount was deposited, the Corporation carried out the FVC and found that the land offered by the

petitioner has been acquired vide notification dated 23.6.2015 issued under Section 3A(1) of the National Highway Act, 1956 for the public purpose of building (widening/four-laning, etc.), maintenance, management and operation of National Highway No.64 on the stretch of land from KM 50.700 to KM 209.500 (Patiala-Sangrur-Bathinda Section) in District Sangrur. The land of the petitioner falls in Khasra no.498 and was thus stood acquired. The petitioner made a representation to the Corporation, bringing to their notice about the acquisition of the land, which was offered by him, and sought permission to offer alternate land to which the Corporation agreed and allowed him to make the offer. The petitioner informed the Corporation that he has alternate land but it was not available with him on the last date of submission of the application. In response to his offer, the impugned order dated 26.3.2016 was passed by the Corporation on the ground that the petitioner had to make the offer of alternate land in his possession either as the owner or the lessee on the last date of submission of application i.e. 25.11.2013. Accordingly, the offer made by the petitioner was rejected and the amount of ₹25,000/- deposited by him with the Corporation for the purpose of FVC was also forfeited.

Aggrieved against the order of the Corporation, the present petition has been filed in which the learned counsel for the petitioner has argued that the respondents have illegally rejected the offer made by the petitioner of the alternate piece of land because, firstly, there is no fault on the part of the petitioner as he had offered the land owned by him before the cut off date which had ultimately been acquired which was an unforeseen circumstance on which the petitioner had no control and secondly, it is

submitted that the Ministry of Petroleum and Natural Gas, Government of India had issued a letter dated 15.4.2015 giving the opportunity to offer alternate land by relaxing guidelines and in that letter there is no reference that the alternate land has to be in possession as owner or lessee on the last date of submission of the application.

In reply, learned counsel for the Corporation has submitted that the selection of the distributorship is governed by the Brochure on Guidelines for Selection of Regular LPG Distributors, August 2013 [for short 'the Brochure'] in which Clause 6 deals with the 'Eligibility Criteria for Individual Applicants'. In Clause 6(vii) of the Brochure it is provided that the applicant should own, as on the last date of submission of application as specified in the advertisement or corrigendum (if any), a plot of land of minimum dimensions of 25 M x 30 M (within 15km 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 25M x 30 M will not be considered. It is also submitted that the land offered by petitioner, at the time of submission of the application, was meeting the parameters as provided in the Brochure but the said land is now no more in his possession as the part of it stood acquired vide notification dated 23.6.2015. It is also submitted that there is no provision made either in the Brochure or in the letter dated 15.4.2015 to meet this kind of circumstance. It is submitted that the letter dated 15.4.2015 issued by the Ministry of Petroleum and Natural Gas, Government of India is only to give some solace to the candidates, who for some reason are not in possession of

the land offered by them at the time of submission of the application but the mandatory provision of the eligibility in the Brochure has not been relaxed to the effect that the alternate land can also be provided after the last date of submission of application. It is thus submitted that had the petitioner offered the alternate land in his possession as owner or lessee as on the last date of submission of the application then it could have been accepted by the Corporation and the candidature of the petitioner would not be cancelled but since he had orally offered the land in his possession after the last date of submission of application, therefore, his request has been turned down by the Corporation.

I have heard learned counsel for the parties and perused the available record with their able assistance.

The question thus involved in this case is as to whether the alternate land to be offered by the petitioner has to be available with him on the last date of submission of the application or it can be thereafter also?

The whole case of the petitioner hinges upon the letter dated 15.4.2015 issued by the Ministry of Petroleum and Natural Gas, Government of India by which opportunity to offer alternate land has been given. There is no reference in the said letter that the alternate land should be the land in possession of the petitioner as owner or as a lessee on the last date of submission of the application rather the Brochure which governs the allotment of distributorship specifically provides that the land has to be offered on the last date of submission of the application provided in the advertisement or corrigendum. There cannot be any deviation from the provisions made in the Brochure for the purpose of offering the alternate

land. Therefore, I am not in agreement with the contentions raised by the counsel for the petitioner in this regard and hence find no error in the impugned order. As a result thereof, the present petition is hereby dismissed.

24.01.2018  
*Vivek*

(RAKESH KUMAR JAIN)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |