IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 9685 of 2015
Date of Decision: 9.1.2018

Sucheta ....**Petitioner**

v.

Hindustan Petroleum Corporation Limited and another
..........**Respondents**

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Vikas Mohan Gupta, Advocate, for the petitioner
Mr. Aman Arora, Advocate, for the respondents

RAKESH KUMAR JAIN, J (Oral) :

The petitioner has challenged the order dated 30.4.2015 (Annexure P-12), by which her candidature has been cancelled.

In brief, Hindustan Petroleum Corporation Limited (in short 'the Corporation') issued an advertisement on 26.10.2013, inviting applications to appoint distributors for LPG Distributorship for the area of Mandi Gobindgarh, District Fatehgarh Sahib under open category for Urban-Rural and Rural type of market. The last date for filing the application was 25.11.2013 and the selection was to be regulated by the Brochure issued by respondents and other companies on guidelines for selection of Regular LPG distributors published in August 2013 (Annexure P-1). The petitioner had applied for the same on 21.11.2013.

The brochure has prescribed a common eligibility criteria in Clause 6.1 (vi), which reads as under :-

"**vi** Have minimum total amount of Rs.15 lakhs for Urban Markets and Rs.10 lakhs for Urban-Rural and Rural Markets respectively as the closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any). This amount is to be arrived at by adding amount in Savings Bank accounts in Scheduled Bank/Post Office, free and un-encumbered Fixed Deposits in Scheduled Banks, Post Office, Listed Companies/Government Organisation/Public Sector Undertaking of State and Central Government, Kisan Vikas Patr, NSC, Bonds, Shares of Listed Companies, Listed Mutual Funds, ULIP, PPF, Surrender Value of Life Insurance Policies in the name of Applicant or family members of the 'Family Unit' of the applicant as defined above. In case of locations reserved under 'SC/ST' category, minimum total amount of Rs.5 lakhs for Urban Markets and Rs.2.5 lakhs for Urban-Rural and Rural Markets respectively should be available as the closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any)."

The 'Family Unit' is also defined in the brochure, which is as under :

"**Family Unit'** in case of married person/applicant, shall consist of individual concerned, his/her Spouse and their unmarried son(s)/daughter(s). In case of unmarried person/applicant, 'Family Unit' shall consist of individual concerned, his/her parents and his/her unmarried brother(s) and unmarried sister (s). In case of divorce, 'Family Unit' shall consist of individual concerned, unmarried son(s)/daughter(s) whose custody is given to him/her. In case of widow/widower, 'Family Unit' shall consist of individual concerned, unmarried son(s)/ daughter(s)."

The application of the petitioner was kept in for draw of lots, in which she was held successful on 19.11.2014. Thereafter, Field Verification of Credentials (FVC) was held, in which it was found that the petitioner was not having Rs.10 lakhs in her account on the last date of submission of application and was held ineligible as she was to maintain Rs.10 lakhs in her account till the last date of application.

Learned counsel for the petitioner has argued that the petitioner is an un-married girl, who had to maintain an amount of Rs.10 lakhs as on the last date of submission of application, which may include the amount of the 'family unit', consisting of individual concern, his/her parents, his/her unmarried brother(s) and unmarried sister(s). It is submitted that the mother of the petitioner namely; Suman Bhambri was having Rs.10,02,035/- in her account No. 55033806344 of State Bank of Patiala, Mandi Gobindgarh as on 21.11.2013. However, it is not denied that she had transferred a sum of Rs.4,10,834/-in the account of Satluj Enterprises, Mandi Gobindgarh on 25.11.2013. Therefore, she was left with Rs.6,02,035/- on 25.11.2013, which was the cut of date of submission of the application.

It is submitted that actually the mother of the petitioner had transferred Rs.4,10,835/- in the account of his father namely Rai Chand son of Milkhi Ram, who is the proprietor of M/s Satluj Enterprises, therefore, case of the petitioner is covered by the definition of 'Family Unit' as provided in Clause 6.1(vi).

On the other hand, learned counsel for the respondents has submitted that Clause 6.1 (v) of the brochure, in which 'Family Unit' has been defined, prescribes the 'Family Unit' to comprise of individual concern, his/her parents and his/her unmarried brother(s) and unmarried sister(s). It does not provide for inclusion of the proprietorship firm, may be owned by the father of the petitioner. It is also submitted that an individual account is altogether different from the account of the proprietorship firm as it is the account of the business concern and not of the individual person.

Learned counsel for the respondents also submitted that the petitioner has mentioned only one account in her application of her mother Suman Bhambri bearing Account No. 55033806344 of SBOP, Mandi Gobindgarh and did not mention the account of her father much less of M/s Satluj Enterprises.

I have heard learned counsel for the parties and after perusal of the record, following questions comes up for adjudication -

whether the account of the proprietorship firm can be considered to be account of the father of the petitioner?

There is no dispute that the allotment of the LPG Distributorship is strictly governed by the brochure of regular LPG Distributors. The petitioner had to comply with the terms & conditions of the brochure in its letter and spirit. The application had to be filed on or before 25.11.2013, which was the last date for submission.

As per Clause 6.1 (vi), the petitioner was to maintain Rs.10 lakhs in her account till the last date of submission of application. When she had filed the application on 21.11.2013, she had more than Rs.10 lakhs in the account of her mother, therefore, her application was maintainable. But on 25.11.2013 her mother had transferred a sizeable amount of more than Rs.4 lakhs to the account of M/s Satluj Enterprises, a proprietorship firm of her husband namely, Rai Chand, therefore, she was not having Rs.10 lakhs in her account on the last date of submission of application. The words 'Family Unit' has been specifically defined in the brochure that in case of un-married person, a 'Family Unit' would comprise of the applicant and his/her parents and his/her unmarried brother(s) and unmarried sister(s). The parents would not include a proprietorship firm. Therefore, there is no error on the part of the respondents in cancelling the candidature of the petitioner though she had been successful in the draw of lots for obtaining the LPG distributorship.

Therefore, finding no merit in the petition, the same stands dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

9.1.2018
Ashwani

Speaking/Reasoned Yes/No
Reportable Yes/No