

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

**LPA No.1104 of 2016 (O&M)
Date of Decision : 03.10.2018**

Ricky Bansal

.....Appellant

Versus

Hindustan Petroleum Corporation Limited and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. Anil K. Garg, Advocate
for the appellant.

Mr. Raman Sharma, Advocate
for the respondents.

SUDIP AHLUWALIA, J.

This intra-Court appeal is directed against the decision of the Ld. Single Judge rendered in CWP No.2046 of 2016 dated 27.05.2016.

2. The appellant had filed the writ petition to quash the orders dated 13.08.2015 and 23.10.2015 rejecting his initial application for award of RO Dealership, and the subsequent one for its revival by way of grant of Dealership on an alternate location.

3. The factual background is that the Hindustan Petroleum Corporation Limited (hereinafter referred to as the "HPCL") issued an advertisement on 09.10.2014 for appointment of dealers for regular & rural retail outlets in and within 2 Kms. of village Mullowal on Dhuri-

Kakarwal Road, District Sangrur. The appellant applied on 12.11.2014 in the open category vide application Form No.99/1 and received a letter on 23.06.2015 from the respondents for inspection of the site on 07.07.2015 at 12.30 p.m. The Land Evaluation Committee (LEC) inspected the site on the fixed date and time and on 13.08.2015, informed the appellant that he has not been found eligible for allotment of retail outlet dealership on the ground that “HT wire crossing from offered plot as on date of LEC”.

4. The appellant thereafter made a complaint on 16.09.2015 to the Grievance Redressal Cell of the respondents and requested to allow him to offer an alternate site. Since there was no response to the complaint, the appellant sent a legal notice dated 03.10.2015 and on 23.10.2015, the case of the appellant was closed by rejecting his complaint and the legal notice on the ground that “*an alternate land can only be inspected by the LEC team if the same was offered by you in a separate application form as per advertisement timelines*”. The appellant made another application on 02.11.2015 to the Incharge, Grievance Redressal Cell of the HPCL and thereafter, the writ petition was filed to assail orders referred in preceding para No.2, which was dismissed.

5. It was argued on behalf of the appellant that he could not have offered his alternate land with a separate application, since

according to Clause 14(H)(i) of the concerned brochure it was provided that *“each applicant should submit only one application for one location”*.

6. The Ld. Single Judge dismissed the writ petition by relying upon note (c) contained in Clause 4(iv) which reads that, *“in-spite of above if an applicant offers more than one land then, a confirmation in writing is to be obtained by Land Evaluation Committee (LEC) from the applicant with regard to the plot of land to be considered”*.

7. It was argued on behalf of the respondents that there was no ambiguity in the aforesaid provisions of the brochure which clearly provided for submission of a separate application for an alternate site, and that the same had to be submitted by the applicant within the prescribed cut-off date, which was not done by him. After his initial offer was rejected as the land offered in the same was found to be unsuitable on account of passing of an HT cable over the same, the appellant admittedly filed his complaint before the Grievances Redressal Cell of the respondents on 16.09.2015 long after the rejection when undisputedly the last date for submission of the relevant application form/alternate offer for the other land according to the Advertisement (Annexure R-1) was 17.12.2014. The respondents were, therefore, well within their right to decline any action on the subsequent application offering for the alternate land.

8. No grounds are therefore made out to interfere with the impugned order.

9. Dismissed.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

October 03, 2018

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No