

LPA No. 1118 of 2018 (O&M)

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

**LPA No. 1118 of 2018 (O&M)
Date of decision: 28.9.2018**

Ekta Rani

... Appellant

Versus

Bharat Petroleum Corporation Limited and others ... Respondent

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Aakash Singla, Advocate
for the petitioner.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-2997-LPA-2018

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 11 days in filing the accompanying appeal is condoned.

Application stands disposed of.

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This intra-court appeal, under Clause X of the Letters Patent, has been filed by the petitioner challenging the judgment and order dated 18.4.2018, passed by learned Single Judge, dismissing her writ petition.

The said writ petition was filed by the appellant, seeking quashing of the order dated 9.12.2016 passed by the respondent-Bharat Petroleum Corporation Limited, rejecting her application for allotment of

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LPG Distributorship, on the ground that during field verification, it was found that the land offered by the petitioner for showroom did not meet the criteria prescribed.

Concededly, the land offered by the petitioner was under the joint ownership of many co-sharers and the petitioner-appellant was having it on lease from one of the co-sharers, whose share was to the extent of 100/1050. The guidelines for selection of LPG Distributorship, which has been referred to by learned counsel for the petitioner in extenso, provided that in case the land is jointly owned, in such an eventuality, consent of other co-sharers, in the form of notarised affidavits, was required to be furnished in terms of Appendix-4. It is also an admitted case between the parties that an opportunity was given to the applicant-petitioner to cure this defect, as her application was not accompanied by affidavits of other co-sharers. However, admittedly, the petitioner-appellant failed to avail that opportunity inasmuch as the required affidavit in terms of Appendix-4 was not filed, which led to dismissal of her application by the respondent-Corporation.

The learned Single Judge, after analysing all the relevant clauses in the guidelines, came to the conclusion, which is as under:-

“There is a logic behind this objection being raised by the Corporation that once the distributorship is given to a person who has offered the land for godown or showroom which is not exclusively owned by him or if it is offered with the co-sharers then the co-sharers can be bound down on the basis of the affidavits filed by them in regard to their consent for offering their land so that tomorrow there may not be any problem in regard to title of the land and the work of distribution of LPG services may not be hampered. Keeping in view this aspect of the matter, the condition was specifically provided in regard to

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the meaning of word ‘own’ in the Brochure so that the person who is offering the land on the basis of ownership title and is not the owner of the entire land but is a co-sharer should give notarized affidavits in terms of Appendix-4 and if the land is being offered on the basis of registered lease deed and the lessor is not the exclusive owner then the other owners should also furnish the same affidavits so that the Corporation may be satisfied that at least for 15 years there would be no difficulty.”

Having gone through the relevant clauses in the guideline, we are also of the considered opinion that unless affidavits of all the co-sharers was filed, the condition specified in the guidelines shall not stand satisfied. Thus, there appears no infirmity in the impugned judgment passed by the learned Single Judge, which may require interference.

The appeal being devoid of merit accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

September 28, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO