

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

LPA No. 248 of 2018 (O&M) in
CWP No. 13999 of 2014

Date of decision: 15.2.2018

Bala Devi

.. Appellant

VS

Hindustan Petroleum Corporation Limited and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Anil Kshetarpal**

Present: Mr. S. K. Garg Narwana, Senior Advocate with
Mr. Naveen Gupta, Advocate, for the petitioner.

Rajesh Bindal, J.

Aggrieved against the order passed by the learned Single Judge dismissing the writ petition, present intra-court appeal has been filed.

The appellant had impugned before the learned Single Judge communication dated 4.7.2014, vide which application of the appellant for award of dealership under Rajiv Gandhi Gramin LPG Vitrak Scheme, was rejected. One of the conditions contained for eligibility was that the applicant should own a suitable plot for construction of godown at the advertised RGGLV location. The appellant claims that she owns land in the village. On verification, it was found that the land owned by the appellant falls in village Kheri Naguran and not in village Naguran, for which applications were invited, hence, her application was rejected. The order has been upheld by the learned Single Judge.

The contention raised by learned counsel for the appellant is that clarification was sought by the Hindustan Petroleum Corporation

Limited from the Deputy Commissioner, who vide communication dated 27.9.2013, had verified that though the land of the appellant is located in village Kheri Naguran and as per the revenue record Naguran and Kheri Naguran are two separate revenue estates, but village Kheri Naguran is not populated. Entire residential population is in village Naguran. However, the aforesaid clarification given by the Deputy Commissioner, Jind, has not been considered.

He further submitted that certain applications of other applicants, whose land has also been located in village Kheri Naguran, have been considered for allotment of dealership.

After hearing learned counsel for the appellant, we do not find any error in the order passed by the learned Single Judge. Though it is sought to be argued that in the communication clarification has been given by the Deputy Commissioner but the same has not been considered by the learned Single Judge. However, a perusal of internal page 5 of the impugned order shows that entire letter written by the Deputy Commissioner has been reproduced before the contents thereof were discussed opining that two revenue estates, namely, Naguran and Kheri Naguran are two revenue estates having Hadbast Nos. 81 and 84, respectively. Once the applications were invited, especially mentioning the name of village Naguran and the land was also required to be of that location, there is no error in the order passed by the learned Single Judge upholding the rejection of the application of the appellant.

As far as the plea of discrimination is concerned, if some wrong act has been committed by the authority, the Court is not bound to put a stamp thereon. In terms of the conditions laid down in the advertisement for

allotment of LPG dealership, the candidature of the appellant has rightly been rejected as she was not fulfilling the conditions laid down therein. Hence, even that argument is also misconceived.

For the reasons mentioned above, the appeal is dismissed.

(Rajesh Bindal)
Judge

15.2.2018
vs

(Anil Kshetarpal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No