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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 7885 of 2018

and

W.M.P. Nos. 9843 and 9844 of 2018

G. Malathi

... Petitioner

-vs-

The Deputy General Manager,
L.P.G. Sales, Indian Oil Corporation,
Marketing Division,
Indane Area Office,
No. 8/1079, Avinashi Road,
Coimbatore - 641 018.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of impugned order vide letter Ref. CBE/IMP:2017-18/PERPALYM dated 30.01.2018 Appendix-P2 issued by the Deputy General Manager, L.P.G. Sales, Indian Oil Corporation, Marketing Division, Indane Area, Office No. 8/1079, Avinashi Road, Coimbatore the Respondent herein and quash the same and directing the Respondent to considering the Petitioner's representation dated 10.03.2018 by Register Post.

For Petitioner: Mr. Dalit Tiger C. Ponnusamy

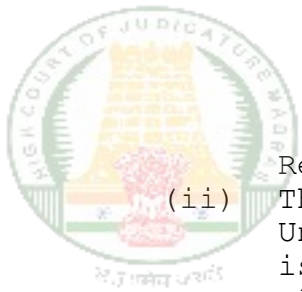
For Respondent: Mr. Abdul Saleem

O R D E R

Heard Mr. Dalit Tiger C. Ponnusamy, Learned Counsel for the Petitioner and Mr. Abdul Salem, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The chronological sequence of events leading to the filing of this Writ Petition are given below:-

- (i) The Petitioner made an online application for selection of LPG Distributor to the advertised location at M.Perumapalayam Village, Vazhapadi Taluk, Salem District in terms of advertisement dated 20.08.2017 issued by the



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Respondent.

- (ii) The selection of LPG Distributors is governed by the Unified Guidelines for Selection of LPG Distributors issued in June 2017 in which it has been provided in clauses 8(i) and (j) that the Applicant should own the required plot of land with the specifications for godown and showroom at the advertised location as on the last date for submission of application as specified either in the advertisement or corrigendum, if any.
- (iii) The ownership of the godown and showroom has been defined in clause 1(w) as having ownership of the property or registered lease deed, but having minimum 15 years of valid lease period commencing from any day from the date of advertisement upto the date of submission of application as specified either in the advertisement or corrigendum, if any.
- (iv) The Respondent by letter dated 30.11.2017 informed the Petitioner that she had been declared as successful candidate in the draw of lots conducted at 12.00 hrs on 29.11.2017 for the LPG Distributors at the advertised location and she was required to remit a sum of Rs.20,000/- along with certain other documents pertaining to the land for godown/showroom in her name or member of her family unit for a minimum of 15 years with mutation and Government record as per the dates specified in the brochure.
- (v) The Respondent by another letter dated 02.01.2018 informed the Petitioner that during the field inspection conducted, it was found that the date of registration of lease agreement for the land offered for showroom and godown is 05.12.2017, which was much after the last date for submission of application, i.e., 25.09.2017 and that though the Petitioner had stated in her letter dated 15.12.2017 that she has no other land for showroom and godown owned by her as on the last date of her submission of application on 25.09.2017, another opportunity is given to the Petitioner to offer any other land for showroom and godown owned by her as on 25.09.2017, within seven days, i.e., by 09.01.2018, failing which her candidature would be rejected and the security deposit of Rs. 20,000/- would stand forfeited.
- (vi) The Respondent by subsequent letter dated 17.01.2018 informed that the lease agreements dated 22.09.2017 submitted by the Petitioner for showroom and godown had not been registered as on 25.09.2017, and as such, that cannot be considered as valid documents as per the Unified Guidelines for selection of LPG Distributors and forfeited her security deposit.
- (vii) The Respondent by further letter dated 30.01.2018 informed that the date of registration of lease agreement of the



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land offered for showroom and godown by the Petitioner, which was much after the submission of application on 25.09.2017 was not in accordance with the Unified Guidelines for selection of LPG Distributor and forfeited her security deposit.

- (viii) The Petitioner then made a representation dated 10.03.2018 to re-consider the earlier decision and grant her allotment.
- (ix) The Respondent by letter dated 16.03.2018 informed that the land offered by the Petitioner does not qualify for consideration as per the relevant clause.
- (x) The Writ Petition had been filed challenging the said letter dated 30.01.2018 sent by the Respondent to the Petitioner and for consequential direction to the Respondent to consider the representation dated 10.03.2018 made by the Petitioner.

3. Learned Standing Counsel appearing for the Respondent submits that the issue has already been considered in detail by the Division Bench of this Court in Deputy General Manager (LPG-Sales), Indian Oil Corporation Ltd., Chennai -vs- M.C. Meyyappan @ Manickam (Judgment dated 22.04.2019 in W.A. No. 1277 of 2019), in which relying upon the decision of the Hon'ble Supreme Court of India in Bharat Petroleum Corporation Ltd. -vs- Swapnil Singh (Judgment dated 08.09.2015 in Civil Appeal Nos. 6928-6929 of 2015), it has been categorically held that the dates fixed in the brochures/guidelines were sacrosanct and production of lease deed either without registration, or with registration after the last date for submission of application, viz., 25.09.2017, does not meet the eligibility criteria and were liable to be rejected with forfeiture of security deposit.

4. It is not in dispute that the lease agreements produced by the Petitioner in this case had been registered on 05.12.2017 which is obviously beyond the last date for submission of the application on 25.09.2017 and that the earlier lease agreement dated 22.09.2019 that had been produced could not be considered as they were not registered documents as required by the Respondent. In view of the aforesaid binding decision of this Court, the claim of the Petitioner cannot be countenanced.

5. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

maya/vjt



To

The Deputy General Manager,
L.P.G. Sales, Indian Oil Corporation,
Marketing Division,
Indane Area Office,
No. 8/1079, Avinashi Road,
Coimbatore - 641 018.

+lcc to Mr.Abdul Saleem, Advocate SR.49542/19

+lcc to Mr. Dalit Tiger C. Ponnusamy, Advocate SR.49861

W.P. No. 7885 of 2018

SV(CO)
CB(09/01/2020)