



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :
21.06.2019

Pronounced on :
28.11.2019

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CORAM:

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 16331 of 2019
and
W.M.P. No. 16005 of 2019

S. Shylaja

... Petitioner

-vs-

The Bharat Petroleum Corporation Limited,
Rep. by its Territory Manager,
Chennai LPG Bottling Plant,
J1-J6, SIPCOT Industrial Complex,
New Gummidipoondi - 601 201,
Tiruvallur District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 03.06.2019 in Ref. No. BPC 03303014522092017 issued by the Respondent, quash the same and consequently direct the Respondent to appoint the Petitioner as the LPG Distributor for the area applied by accepting the land for showroom bearing S. No. 492/3B1, New Survey No. 492/3B1B as per Patta No. 2863 situated at No. 59, Ponneri, Thiruvallur District and Godown bearing S. No. 63/2A, New Survey No. 63/2A2 as per Patta No. 5837 situated at No. 58, Thadaperumpakkam Group, Kodur Village, Thiruvallur District.

For Petitioner :Mr. N. Manokaran for
Mr. P. Krishnan

For Respondents:Mr. M. Vijayan for
M/s. King & Patridge

O R D E R

Heard Mr. N. Manokaran, Learned Counsel appearing for the Petitioner and Mr. M. Vijayan, 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 Distributors to the advertised location at Ponneri, Tiruvallur District in terms of advertisement dated 20.08.2017 issued by the 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 clause 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 14.06.2018 informed the Petitioner that she had been declared as successful candidate in the draw of lots conducted at 11.30 hrs on 13.06.2018 for the LPG Distributors at the advertised location and she was required to remit a sum of Rs.50,000/- 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) As the Petitioner did not submitted the required documents, reminders dated 17.07.2018 and 01.08.2018 were sent to her.

(vi) The Respondent by letter dated 13.08.2018 informed the Petitioner that they had received a demand draft dated 08.08.2018 for a sum of Rs.50,000/-, but the required land documents were missing in the list of documents submitted.

(vii) Another reminder dated 22.10.2018 has been sent to the Petitioner requiring her to submit the land documents before 30.10.2018.

(viii) The Petitioner claimed to have sent the required lease deed for 15 years for godown and showroom by letter dated 25.10.2018.



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- (ix) The Respondent by another letter dated 13.12.2018 informed the Petitioner that during the field inspection conducted on 22.11.2018, the Petitioner did not have the required land for godown at the advertised location and was given opportunity to provide alternative land for godown by 22.12.2018.
- (x) The Petitioner by letter dated 21.12.2018 represented that the time period till 22.12.2018 was very short to provide alternative land and requested time to be given till 15.02.2019 for the said purpose.
- (xi) The Petitioner then filed W.P. No. 118 of 2019 before this Court seeking extension of time for producing documents and this Court by order dated 04.01.2019 granted three weeks time from the date of receipt of copy of that order for providing alternative land by the Petitioner.
- (xii) Thereafter, the Petitioner had produced registered lease deed dated 12.03.2019 for locating the godown and showroom in the advertised location.
- (xiii) The Respondent by letter dated 03.06.2019 informed the Petitioner that the land offered by her for godown and showroom were not registered and that the alternative land which were offered were registered after the last date for submission of application and was not in accordance with the Unified Guidelines for Selection of LPG Distributors and forfeited her security deposit.
- (xiv) The Writ Petition has been filed challenging the said letter dated 03.06.2019 and for consequential direction to appoint the Petitioner as the LPG Distributor for that area by accepting the documents submitted by her.

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. Meyyapan @ 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 the security deposit.

4. It is not in dispute that the lease agreement produced by the Petitioner in this case had been registered on 12.03.2019 which is obviously beyond the last date for submission of the



application on 25.09.2017. 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

vjt
To

The Territory Manager,
The Bharat Petroleum Corporation Limited,
Chennai LPG Bottling Plant,
J1-J6, SIPCOT Industrial Complex,
New Gummidipoondi - 601 201,
Tiruvallur District.

+lcc to M/s.King & Partridge, Advocate SR.99730
+lcc to Mr.P.Krishnan, Advocate SR.99361

W.P. No. 16331 of 2019

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