HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.2192 OF 2019

Date: 18.02.2019

Between:

Sri Bade Sathaiah, s/o. Bade Laxmi Narsaiah,
Aged about 47 years, occu:Business,
R/o. H.No.1-5-175, Govindpelly Road,
Bhyagyanagar, Jagityal, Jagityal district.

.....Petitioner

and

M/s. Hindustan Petroleum Corporation Limited,
Rep.by its General Manager, South Central Zone-
Retail, Parishram Bhawan, 7th Floor, Opp.Babukhan
Estate Building, Bahseer Bagh, Hyderabad and
another.

.....Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

On 14.12.2018 Hindustan Petroleum Corporation Limited (HPCL) issued notice for appointment of Regular/Rural Retail Outlet (Petrol Pump) Dealerships in various locations in the State. One of the locations notified was in Rayapatnam village in Jagtiyal district, reserved for Scheduled Caste category. The last date prescribed for submission of online application was 12.01.2019. The applicants are divided into three groups depending on the nature of possession to land offered/land not offered. Group-I applicants should have suitable piece of land in the advertised location/area either by way of ownership or by long term lease for a period of minimum 19 years 11 months; Group-2 applicants must have Firm Offer for a suitable piece of land for purchase or long term lease for a period of minimum 19 years 11 months; and Group-3 applicants are those who are not offered land in the application. The application format requires to fill up all the columns by the applicant and submit through online web portal. Petitioner submitted his application on 11.01.2019. Column-9 of application format deals with group of applicant. Against this column, petitioner mentioned his group as Group-2. Column-13 deals with the land details. If applicant classified himself as belonging to Group-2, he is required to say whether he would be willing to transfer the land on sale/long lease to HPCL and if agrees, he should also specify the rate. Petitioner said 'yes' and mentioned the rate as 25000/- to 45000/- per month on long lease. Immediately after table in column-13, he has also declared

his name as the owner of the land and stated that the owner offered for putting up a retail outlet and it is a 'firm offer'. In terms of the said declarations, petitioner would be classified as belonging to Group-2. The mode of selection was by 'draw of lots' from among the respective group of applicants. On 16.01.2019, petitioner submitted representation requesting to permit him to change the group claiming that he has erroneously mentioned as belonging to Group-2, whereas he falls into Group-1. The said request of petitioner was rejected. By proceedings dated 29.01.2019, impugned herein, petitioner was informed that selection process is through online, no interchange of groups would be allowed after the closure of application date and, therefore, he would be continuously be treated as belonging to Group-2.

2. Heard learned counsel for petitioner and the learned standing counsel for respondents.

3. According to learned counsel for petitioner, the document executed by the owner of the property on 11.01.2019 in favour of petitioner is lease deed and lease was already granted and came into operation from 11.01.2019. He would therefore submit that as lease has already come into force, he falls into Group-1, but due to oversight and mistake, wrong classification of his status was shown. As it was only technical defect and whereas the document on record would support his claim, not allowing the request for change of group would amount to arbitrary exercise of power and authority. By placing reliance on notes appended to advertisement notice, immediately after paragraph-(m), he would submit that for

various reasons, it is permissible to change the land offered earlier at the time of verification and when such clause is incorporated in the notification, the respondents could not have rejected the request of petitioner for change of grouping caused due to error, and not intentional.

4. *Per contra,* learned standing counsel submitted that applications for consideration for enlistment as retail outlet dealers have to made through online web portal. The online system do not envisage carrying out any corrections after application is submitted. The selection process is governed by the guidelines for selection of retail outlet dealers. According to clause-9(g) of the guidelines, no addition/deletion/alteration would be permitted in the application form after cue-off date for submission of application is over. He, therefore, submits that as request made is after the cut-off date, the same was not accepted.

5. Brochure governing selection of dealers for regular/rural retail outlets dated 24.11.2018 deals with various aspects of submission of applications and consideration of applications. In this case, the only issue for consideration is grouping of applicants. Paragraph-4 of guidelines deals with eligibility criteria for individual applicants. Sub-paragraph (v) deals with land. Under this sub-paragraph, the applicants are grouped into 1, 2, and 3. Group-1 deals with applicants, who own land or hold long term lease executed in their favour, for a minimum period of 9 years 11 months; Group-2 applicants have only 'firm offer' for sale or long lease. This paragraph also deals with other conditions. Sub-paragraph-(v)(h) stipulates that eligibility of applicant with

regard to the land (Group-1 or Group-2) would be decided by the Oil Company with reference to confirmatory letter from an Advocate to be arranged by the applicant. Learned standing counsel produced the proforma of application prescribed for submission by the candidates. According to this proforma, clause-9 deals with group to be chosen by applicant on the basis of Advocate's letter on land being offered. Against this column, applicant has to choose his group. Column-13 contains different clauses. After the table under column-13, clause-(a) asks the applicant whether he would be willing to transfer the land on sale/long lease to HPCL. If he answers 'yes', then he has to opt either (b) or (c) clauses. Clause-(b) deals with applicant who owns land or lease was already obtained, and clause-(c) deals with applicant, who entered into agreement for sale or lease with firm offer. Applicant requires to consult the Lawyer before filling up the application form. From the photocopy of the application filed by the petitioner, it is seen that against column-9, he has marked as belonging to Group-2, then proceeded to deal with the other clauses. In column-13, he stated that he is willing to transfer the land and specified the rate at which it can be granted on lease and later he declared that land was offered to him by the owner. Thus, declaration given by the petitioner was clearly with reference to his status as person belonging to Group-2. Since different columns to be filled up and answers have to be specific, it is not a case of clerical error or mistaken entry made due to oversight as sought to be contended. Be that as it may, mistake was made by the petitioner on his own fault.

6. Once an application prescribes particular procedure for filling up of application form and in the process of filling up of application, if applicant commits mistakes, he has to blame himself for committing such mistakes. Further, the last date for submission of applications was over by the time request was made, and correction sought was on change of category. It may be possible that other applicants may have made mistakes in filling up the applications. Allowing the corrections on applications in the said manner would only result in vitiating the entire selection process. More so, the respondent Corporation adopted the system of receiving applications through online web portal and it is asserted that such system did not envisage any procedure for correction of applications made online. Further, accepting petitioner's request would mean receiving a revised application in physical form, which is not permissible as applications are received only through online web portal. I, therefore, do not see any error in the decision of respondent company in rejecting the request of petitioner to carryout corrections in the application form with reference to classification from Group-2 to Group-1.

7. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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