IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5701-2019 (O&M)
Date of Decision:05.03.2019

Arjun Dass ... Petitioner

Versus

Union of India & others ... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Nehra, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Challenge in the instant petition is to the order dated 04.02.2019 passed by the Chief Divisional Retail Sales Manager, Hisar Divisional Office, Indian Oil Corporation (Annexure P-8) and in terms of which request of the petitioner for permitting a correction from category Group 2 to Group 1 for a rural retail outlet has been rejected.

Brief facts are that a brochure for selection of dealers for regular and rural retail outlets was issued jointly by the Indian Oil Corporation, Bharat Petroleum as also Hindustan Petroleum on 24.11.2018. The last date for submission of applications online was 15.12.2018 and which was extended upto 25.12.2018.

Petitioner herein submitted an application on 15.12.2018 and in column No.9 of such application applied qua Group 2.

The case projected on behalf of the petitioner is that he was eligible to apply under Group 1 as the lease deed for a period of 20 years pertaining to a piece of land had already been entered into but on account of an inadvertent bonafide mistake instead of applying for Group 1, Group 2 was mentioned in column No.9 of the application. It is towards rectification of such mistake that a representation had been made and which after consideration has been rejected vide impugned order dated 04.02.2019 (Annexure P-8).

Counsel submits that draw of lots for the particular rural retail outlet for which the application had been made has not been announced as yet. Further urged that the mistake in mentioning Group 2 instead of Group 1 was a bonafide mistake and which ought to have been permitted to be corrected. Reliance has also been placed on Clause 14 (ix) of the brochure to contend that there was a scope of correction as it as a 'rectifiable deficiency'.

Counsel for the petitioner has been heard at length and the pleadings on record have been perused.

A perusal of the impugned order would reveal the basis of rejection of the request of the petitioner. It has been recited in the order that the applications submitted are by way of online process which is processed on a common website of all the three OMCs i.e. Indian Oil Corporation, Bharat Petroleum Corporation and Hindustan Petroleum Corporation and the segregation of the applications for purpose of draw of lots is also computerised. Once an application has been submitted and the last date of submission of applications online has worked out, no intervention is possible at the hands of the Indian Oil Corporation. The respondent/authorities have further taken a view that the correction sought for from Group 2 to Group 1 does not fall under a 'rectifiable deficiency'.

In the considered view of this Court, the impugned order is founded on cogent reasoning and does not suffer from any infirmity.

Clause 14 (xiv) of the common brochure dated 24.11.2018 issued by all the three Oil Corporations regulates the selection procedure for allotment of retail outlets. Clause (e) deals with the applications and the relevant extract thereof reads as follows:

> *"While registering, an SMS alert will be sent to the prospective applicant intimating that the details on the portal* www.petrolpumpdealerchayan.in *should be filled up diligently/ carefully as these retailers will be picked up automatically in the relevant field on the application form and that there will be no further scope for editing after the registration process is completed."*

Clearly, the terms and conditions/clause contained in the brochure do not support the prayer of the petitioner for correction of the error that had been made.

Even otherwise, the cut off date/last date for submission of application forms has to be assigned some importance. Petitioner has submitted his application online on 15.12.2018. Assuming mentioning of Group 2 instead of Group 1 was a bonafide mistake, it was open for the petitioner to have withdrawn such application and submitted an application afresh prior to the last date i.e. 25.12.2018. Petitioner concededly, chose not to do so.

Entertaining of prayers for rectification of errors after the last date for submission of application forms can result in a situation of utter chaos. The exercise of submission of application forms and determining eligibility etc. can never be left open ended.

The reliance placed by counsel on Clause 14 (ix) of the brochure is wholly misplaced. Under the scheme of Clause 14, an intimation regarding selection of the successful applicant in the draw of lots/bid opening is to be sent. Thereafter, such selected candidate is to submit the requisite documents within 10 days from the date of intimation. Under Clause 14(ix), it is only if there is deficiency in such documents that may have been submitted by a selected candidate, the same would fall within the expression 'rectifiable deficiency' and the same may be made good within a period of 21 days.

The petitioner herein is a mere applicant for a rural retail outlet. The draw of lots pertaining to such outlet has not even been held. In other words, petitioner cannot be construed to fall under the category of a 'selected candidate' so as to invoke Clause 14(ix) of the brochure.

For the reasons recorded above, no intervention in the matter is called for.

Petition is dismissed.

05.03.2019 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No