

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7225-2019 (O&M)
Date of Decision: 18.03.2019

Rocky

--Petitioner

Versus

Hindustan Petroleum Corporation Limited
& another

--Respondents

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

Present:- Mr. S.S. Dinarpur, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Challenge in the instant writ petition is to a communication dated 1.3.2019 (Annexure P-10) issued by the Hindustan Petroleum Corporation Limited and in terms of which the prayer of the petitioner for issuance of a Letter of Appointment for L.P.G Distributorship at Bilaspur, District Yamuna Nagar in pursuance to a Letter of Intent dated 6.8.2018 has not found favour and rather the Corporation has advised that in view of an order dated 26.9.2018 passed by a Division Bench of this Court in LPA-324-2015 it would be unable to proceed further in the matter.

A brief factual premise which is not in dispute may be noticed.

Petitioner belongs to the S.C (G.P) Category. He had applied for the L.P.G. Distributorship under such category for the location-Bilaspur, District Yamuna Nagar in pursuance to an advertisement dated 20.11.2013 and the Letter of Intent dated 6.8.2018 was issued in favour of the petitioner. He claims to have made substantial investment in pursuance thereto.

The advertisement dated 20.11.2013 as regards the S.C/S.T Category came to be challenged before this Court by way of filing CWP-

3198-2014 (Sunita Rani Vs. Union of India and others). Writ petition was disposed of by the Writ Court vide judgement dated 16.10.2014. L.P.A-324-2015 was preferred by the respondent-Corporation and which was disposed of on 26.9.2018 in the following terms:-

“(1).The above-captioned intra-court appeals have arisen out of the order dated 16.12.2014 passed by learned Single Judge in relation to the allotment of a site for locating LPG facilities which was to be reserved for SC/ST categories.

(2) Being dissatisfied with the order passed by learned Single Judge, the writ-petitioner as well as the contesting respondents have filed these intra court appeals. Their grievance is that several issues raised from both sides have not been effectively adjudicated. Keeping this in view, learned counsel for the parties have agreed that the matter may be remitted to learned Single Judge for fresh adjudication of all the issues as may be raised by the parties.

(3) For the reasons afore-stated and without expressing any views on merits, these appeals are allowed; the order under appeal dated 16.12.2014 is set aside and the matter is remitted to learned Single Judge for fresh adjudication with a request that since the matter is pending from last more than four years, the writ petition(s) may preferably be decided within two months. It is clarified that the allotment of LPG distributorship reserved for SC/ST categories, if already made, shall be subject to the final directions to be issued by the learned Single Judge. However hitherto, the process for allotment of fresh LPG distributorship for SC/ST categories, if already initiated, may continue but no final allotment shall be made till the decision of writ petition (s).

(4) As a corollary to the above, no specific order is required to be passed in the miscellaneous applications moved in these appeals. All the applications stand disposed of

accordingly with liberty to the parties to raise their respective pleas before learned Single Judge. Similarly, all the intervenors are permitted to assist the learned Single Judge in the matter.

(5) *Parties are directed to appear before learned Single Judge on 08.10.2018.*

(6) *Ordered accordingly.*

**(Surya Kant)
Judge**

**(Sudip Ahluwalia)
Judge”**

The conceded position is that the matter upon remand is pending adjudication before the Writ Court.

Counsel, accordingly, prays for withdrawal of the writ petition, at this stage, to avail of his remedies as may be available in accordance with law.

Prayer is allowed.

Dismissed as withdrawn with the liberty, as prayed for.

**(TEJINDER SINGH DHINDSA)
JUDGE**

18.03.2019
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No