

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.14786 of 2019 (O&M)
Date of decision:-29.05.2019

Harpreet Singh

.....Petitioner

versus

Indian Oil Corporation and another

.....Respondents

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

Present:- Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Ashish Kapoor, Advocate for respondent/Indian Oil Corporation.

TEJINDER SINGH DHINDSA, J.(ORAL)

The brochure for selection of dealers for regular & rural retail outlets was issued jointly by the Indian Oil Corporation 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 24.12.2018 and in column No.9 of such application applied qua Group 2.

Instant writ petition has been filed for the issuance of a mandamus directing the respondents to consider the case of the petitioner in Group 1 instead of 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 30 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 9 of the application. It is towards rectification of such mistake that the prayer in

the instant writ petition has been raised.

Counsel urges that the draw of lots for the particular rural retail outlet for which the application had been made by the petitioner has not been announced as yet. Further the mistake in mentioning Group 2 instead of Group 1 was a bonafide mistake and which ought to have been permitted to be corrected. Further submitted that even a representation in such regard has been preferred but no response has been forth-coming. Reliance has also been placed on Clause 14 (ix) of the brochure to contend that there was a scope of correction as it is a “**rectifiable deficiency**”.

Advance copy of the writ paper-book had already been furnished to the counsel for respondent-Corporation. Mr. Ashish Kapoor, learned counsel has entered appearance and assisted the Court. Court has been apprised that the application had to be submitted by way of online process and which are 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 computerized. 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. Mr. Kapoor, Advocate, would further submit that the correction sought i.e. from Group 2 to Group 1 would not fall within the scope of “**rectifiable deficiency**”.

Having hearing counsel for the parties at length and having perused the pleadings on record, this Court is of the considered view that no basis for intervention has been made out.

Clause 14 (ix) of the common brochure dated 24.11.2018 issued

by all 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 has 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 24.12.2018. Entertaining of prayers for rectification of errors after the last day for submission of application forms would 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, 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 “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.

(TEJINDER SINGH DHINDSA)
JUDGE

29.05.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No