

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

**CWP-18609-2019 (O&M)
Date of Decision:05.11.2019**

Kuldeep Singh

... Petitioner

Versus

Union of India & another

... Respondents

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

Present:- Mr. Chirag Wadhwa, Advocate for the petitioner.

Mr. Ashish Kapoor, Advocate for respondent No.2.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Challenge in the instant writ petition was to the orders dated 13.05.2019 (Annexure P-7) and 27.06.2019 (Annexure P-9) whereby the candidature of the petitioner for RO Dealership at Village Rula Kheri on New Bypass (NH344) (LHS from Ambala to Yamuna Nagar) District Yamuna Nagar under SC category was rejected.

Apparently, a Land Evaluation Committee of the respondent/ Indian Oil Corporation had opined that the plot/land offered by the petitioner was not meeting the NHAI norms and which in turn was the basis of rejection of the claim of the petitioner.

During the course of resumed hearing today, Mr. Ashish Kapoor, Advocate has apprised the Court that an email has been sent to the petitioner to seek clarification from NHAI as regards suitability of the offered land/plot for setting up of the retail outlet. Time up to 11.02.2020 has been given to the petitioner to seek such clarification from NHAI and to

forward the same to the Indian Oil Corporation.

Mr. Kapoor, Advocate would very fairly state that in the light of such subsequent development by virtue of email dated 04.11.2019, the impugned orders at Annexures P-7 and P-9 cannot be construed to be final and would be subject to any clarification that may be procured by the petitioner from NHAI and thereafter to be forwarded to the Indian Oil Corporation within the afore noticed time frame. He further submits that during the interregnum the site in question would not be allotted to any other candidate.

A copy of the email dated 04.11.2019 has been furnished to counsel for the petitioner in Court today.

In view of the afore noticed subsequent development, there would be no occasion for this Court to examine the validity of the impugned orders dated 13.05.2019 (Annexure P-7) and 27.06.2019 (Annexure P-9) at this stage.

Writ petition is disposed of in terms of granting liberty to the petitioner to respond to the email dated 04.11.2019 and a copy of which has been furnished to counsel for the petitioner in Court itself. In the eventuality of the petitioner furnishing to the Indian Oil Corporation any clarification that may be issued from NHAI, the Corporation would be obligated to consider the same and thereafter to pass a fresh order as regards the claim of the petitioner for award of a retail outlet at the site in question.

Writ petition is disposed of.

Needless to observe that it would always be open for the petitioner to approach the Court afresh in case an order is passed by the

Indian Oil Corporation and which may be construed as detrimental to his interest.

05.11.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No