

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.18482 of 2019

DATE OF DECISION: JULY 10, 2019

M/s Chopra Gas AgencyPetitioner

Versus

Union of India and othersRespondents

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

Present: Mr.Sahil Kaushal, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

Petitioner – M/s Chopra Gas Agency, Samrala has filed the instant writ petition seeking quashing of the orders dated 4.7.2019 and 28.6.2019, Annexures P3 and P4, respectively, issued by the respondent-Hindustan Petroleum Corporation Limited and whereby the petitioner has been directed to transfer certain gas connections in favour of two other gas agencies, namely, M/s Supreme HP Gas Agency and M/s Taj HP Gas Service.

2. Learned counsel would submit that the petitioner-Gas Agency had been allotted on 3.7.1998. His agency was the first Gas Agency in the town of Samrala. Towards operating the Gas Agency, petitioner has created complete infrastructure and has also employed a number of persons. Two Gas Agencies afore-noticed were allotted at subsequent point of time, in July and

August 2015. Learned counsel further urged that prior in point of time the petitioner – Gas Agency had been called upon to transfer certain gas connections and such directive was duly complied with. It is contended that by virtue of the impugned directions contained in Annexures P3 and P4, the business interest of the petitioner – Gas Agency would be further diluted. It has vehemently been argued that no opportunity of hearing/notice had been issued prior to issuance of the two impugned orders at Annexures P3 and P4. A submission has been made that the action of the respondent-Corporation is unjust, unfair and against the principles of natural justice.

3. Learned counsel for the petitioner has been heard at length.

4. Perusal of the impugned orders at Annexures P3 and P4 would reveal that the gas connections have been directed to be transferred in pursuance to a re-structuring policy. Needless to observe that it would be solely within the domain of the respondent – Hindustan Petroleum Corporation Limited to take policy decisions and also to frame a re-structuring policy. Instant writ petition does not lay any challenge to such re-structuring policy. For that matter, such re-structuring policy has not even been placed on record.

5. It is not even the case made out by the counsel that when the gas agency had been allotted in the year 1998, any assurance had been held out as regards a minimum amount of consumers/re-fill sales. The gas agency had been allotted to the petitioner in the year 1998 in the town of Samrala. Till the year

2015, petitioner – Gas Agency has enjoyed a monopoly status. There would be no dispute that Samrala town in the last more than two decades has grown. It would be by way of necessity and to serve the consumers in the town of Samrala that two other gas agencies were allotted in the year 2015. Viability of each gas agency has to be looked into and that too, at the hands of respondent-Hindustan Petroleum Corporation Limited and it is with such objective that the re-structuring policy was framed and which has translated in the issuance of the impugned orders at Annexures P3 and P4.

6. A specific query had been put to the learned counsel as to whether the impugned orders at Annexures P3 and P4 violate any instructions/guidelines or sales circular that had been issued by the Hindustan Petroleum Corporation Limited. The response has been in the negative.

7. In such matters, in the considered view of this Court, there would be no requirement for the petitioner to be associated with the decision making process while allotting other gas agencies by the respondent-Corporation.

8. The instant writ petition also does not make out a case in terms of pleadings/averments that by virtue of issuance of Annexures P3 and P4 the petitioner - Gas Agency has now become unviable. The instant petition can only be seen as an attempt by the petitioner to continue to enjoy monopoly status as regards the LPG distributorship network of Samrala is concerned.

9. This Court does not find any patent infirmity in the impugned orders at Annexures P3 and P4.

10. Petition is dismissed.

JULY 10, 2019
SRM

SRM

(TEJINDER SINGH DHINDSA)
JUDGE

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