

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

Sr. No.228

**CWP-17782-2017
DECIDED ON: 13.09.2019**

IRSHA

..PETITIONER

VERSUS

BHARAT PETROLEUM CORPORATION LTD.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sanjeev Kumar, Advocate for the petitioner.

Mr. Raman Sharma, Advocate, Advocate for respondent.

ARUN MONGA, J. (ORAL)

Petitioner herein seeks issuance of a writ in the nature of certiorari to quash the impugned order/letter dated 17.07.2017 (Annexure P-2), whereby her candidature has been rejected.

2. The petitioner applied for allotment of a Non-domestic LPG Distributorship at Zirakpur. The terms in allotment whereof are governed by the brochure contained at Annexure P-3. It would be appropriate to reproduce the relevant criteria as below:

“vii. Own/have lease offer (minimum 5 years) for a suitable shop of minimum size 3 metre by 4.5 metre in dimension or a plot of land for construction of shop of minimum size 3 metre by 4.5 metre at the advertised location or locality as specified in the advertisement as on the date of application. It should be easily accessible to general public through a suitable approach road.

In case an applicant has more than one shop or a plot of

land for construction of shop of minimum size 3 metre by 4.5 metre at the advertised location or locality as specified in the advertisement as on the date of application, the details of the same can also be provided in the application.”

3. A perusal of the above, leaves no manner of doubt that the applicant has to either have suitable shop by way of ownership or by way of minimum lease of 5 years. The said eligibility condition is in accordance with law as Section 107 of Transfer of Property Act clearly envisages that any lease beyond a period of one year has to be compulsorily registered.

4. As against the above requirement, the petitioner applied for distributionship by appending a notarized lease. The same was not accepted as a valid proof of petitioner having a leased premises by the respondent-Bharat Petroleum vide order dated 17.07.2017 (Annexure P-2) impugned herein. I see no infirmity in rejecting her candidature on the ground that she did not submit a registered lease deed which is the conclusive proof of lease of minimum 5 years as per the eligibility requirement contained in the brochure above.

5. The above condition in any case is not under challenge and therefore, the impugned order has rightly been passed in compliance thereof.

6. Writ petition is dismissed.

7. The dismissal of the writ petition shall not come in the way of the petitioner to approach the respondent with valid proof of eligibility for any future allotment.

13.09.2019

Ankur

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No