

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

**LPA-1870-2018(O&M)
Date of decision: 11.01.2019**

Davinder Kaur

... Appellant

Versus

Bharat Petroleum Corporation Ltd. and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

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

KRISHNA MURARI, C.J. (Oral)

CMs-4853-54-LPA-2018

For the reasons set out in the applications, delay of 37 days in filing and 34 days in re-filing the appeal is condoned.

CMs stand disposed of.

LPA-1870-2018

This intra-court appeal filed under Clause X of the Letters Patent is directed against the judgment and order dated 03.07.2018 passed by the learned Single Judge, dismissing the writ petition filed by the appellant herein challenging the order dated 12.12.2017, whereby the Letter of Intent (LoI) issued in respect of the proposed LPG Distributorship at Rajpura-2, District Patiala in the category of Scheduled Caste, has been cancelled/withdrawn.

Admittedly, the appellant herein was one of the applicants in pursuance to the advertisement dated 26.10.2013 issued by Bharat Petroleum Corporation Ltd., inviting applications for LPG Distributorship at the

proposed site. After processing, in accordance with the marketing guidelines, the appellant was found to be the most suitable person and accordingly LoI dated 09.12.2016 was issued in her favour. Subsequently, it so transpired that the land which has been offered by the appellant for the purpose of construction of storage godown for storing LPG cylinders, was included in the master plan for residential purposes as long as back in 2012 and only retail sale and distribution of gas cylinders, without their storage, could be permitted on the said site. The fact came to the knowledge of the Bharat Petroleum Corporation in reply to the letter dated 12.07.2017 issued by them to the Municipal Corporation seeking information as to whether construction of LPG godown would be permitted on the said land.

Thereafter a notice was issued to the appellant herein and after considering the reply submitted, referring to Clause 6.1 of the Brochure as also Clause 11 of the Advertisement, the LoI issued in her favour was cancelled.

Learned Single Judge finding that the cancellation order is a well-reasoned order and after considering the entire facts and circumstances refused to interfere and accordingly dismissed the writ petition.

Learned counsel for the appellant vehemently submitted that it was not within the knowledge of the appellant that the land has been included in the master plan for residential area at the time when she offered this land.

Be that as it may, there is no dispute about the fact that the land has been earmarked in the master plan for residential use and, thus, godown for storing LPG cylinders is not at all permissible. Even if, this fact was not in the knowledge of the appellant at the time of making of application, the

fact that permitting storage of LPG cylinders in a residential area would be a great hazard to the public at large and, thus, this activity cannot be permitted at the site offered by the appellant.

When we put this to learned counsel for the appellant, he did not dispute this fact that such activity cannot be permitted to be allowed in a residential area because of hazard it would cause.

In view of the above facts and discussion, we do not find any infirmity in the impugned order passed by the authorities cancelling/withdrawing the LoI and the writ petition has also rightly been dismissed by the learned Single Judge keeping in view the entire facts and circumstances.

The appeal is devoid of merits and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

11.01.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO