

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-LP-20-2017(O&M)
in/and
LPA no.700 of 2016
Date of Decision : 15.03.2019

Sangita Kumari

....Appellant(s)

Versus

Hindustan Petroleum Corporation Limited and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN

Present:- Mr. Aman Arora, Advocate for the review-applicant(s)

Mr. Sanjay Vashisht, Advocate for appellant

Mr. Gaurav Tangri, Advocate for respondents No. 3 and 4

MAHESH GROVER, J.(ORAL)

CM no.1329-LPA-2019

Allowed as prayed for.

RA-LP-20-2017

This is an application for review of the order dated 27.4.2017 which was passed when a contention was raised before us that the appellant was precluded from applying for allotment of petrol retail outlet on account of defective publication. It was pleaded before us that initially the advertisement was published in two newspapers namely Dainik Bhaskar and Hindustan Times inviting applications from desirous persons upto

publication was made in the aforesaid two newspapers which initially carried out the advertisement rather it was done in 'The Tribune' on 6.6.2009 only.

The respondent-Corporation admitted before us that extension of date was given out in different newspapers by way of corrigendum instead of original two newspapers i.e Dainik Bhaskar and Hindustan Times. Persuaded by this, we disposed of the appeal by holding the publication to be defective that would warrant a fresh process which the Corporation was directed to carry out in accordance with law.

The instant review application has been filed by the Corporation to contend that a completely wrong picture had been projected to the Court in making the aforesaid submission and the appellant was aware of the publication. This review application has been filed by stating that the appellant had misled the Court into passing the order by concealment of facts. Our attention has been drawn to the additional affidavit of Sh.Manish Tandon s/o Sh.R.N.Tandon Chief Regional Manager, Hindustan Petroleum Corporation Ltd. who has stated in his affidavit that advertisement dated 18.5.2009 was published in Dainik Bhaskar (Hindi Daily) and 'The Tribune' (English daily) and the corrigendum dated 6.6.2009 was also published in 'Dainik Bhaskar' (Hindi Daily) and 'The Tribune' (English daily). This information according to the appellant was duly supplied to the appellant when he asked for information under Right to Information Act. For the purposes of reference, relevant information provided to the appellant is as below:-

“1) Date of advertisement is 18/05/2009. It was published in Hindi in “Dainik Bhaskar” & in English in

“The Tribune”.

2) Yes. It was published in Hindi in “Dainik Bhaskar” & in English in “The Tribune” on 6.6.2009.”

Indeed if the aforesaid information was supplied to the appellant there was no occasion for her to argue on the lines as has been shown before us but be that as it may, even the Corporation cannot absolve itself of its responsibility as during the course of arguments it conceded to the erroneous factual position projected by the appellant. We would, thus not go into the issue of concealment of fact by the appellant and rather deem it appropriate to recall our order dated 27.4.2017 considering that there is an error apparent on the face of the record. While accepting the instant review application, we direct the order dated 27.4.2017 to be recalled and direct the listing of the main appeal as per roster.

(MAHESH GROVER)
JUDGE

15.03.2019
rekha

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No