

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-34659-2019

Date of Decision:-13.12.2019.

Ranjit Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Jarnail Singh Saneta, Advocate for the petitioner.

Mr. Arvind Seth, Advocate for respondent No.1.

Mr. Ashish Kapoor, learned counsel for
respondent Nos.2 and 3.

SANJAY KUMAR, J. (Oral)

The prayer of the petitioner in this case is to set aside the order dated 09.11.2019 (Annexure P-1), whereby he was informed by the Indian Oil Corporation that he was ineligible to be considered under Group-1 category for allotment of a retail outlet dealership. The application filed by the petitioner for award of the dealership indicates that he claimed to be covered by Group-1, which pertains to land either owned by the applicant himself or given on long lease to him. The petitioner offered an extent of 1225 sq. mts. of land in *Khasra* No.9//6/2 at Village Rattanpura in District Yamuna Nagar, Haryana. However, the Advocate's affidavit which the petitioner submitted, detailed the land as being in *Khasra* No.9//6/3 at Village Rattanpura, District Yamuna Nagar. The affidavit of the petitioner's father which was submitted by him in Appendix III-A also detailed the land

as being in *Khasra* No.9//6/3 of Village Rattanpura, District Yamuna Nagar. Thereafter, the petitioner submitted another affidavit of his father in Appendix III-A on 23.07.2019 stating that the land offered by him was in *Khasra* No.9//8/2 of Village Rattanpura, District Yamuna Nagar. The earlier affidavit of the petitioner's father and the later affidavit both detailed his land holding as 3333 sq. mts. Perusal of these affidavits demonstrates that the petitioner's father claimed to be the owner of the land and stated that he was willing to lease it out to his son.

It may be noted that the Brochure dated 24.11.2018 (Annexure P-6) pertaining to the Selection of Dealers for Regular and Rural Retail Outlets, issued by the three public sector oil companies, including the Indian Oil Corporation Limited, specifically stated that an applicant under Group-1 category either had to be the owner of the land offered by him or be a long term lessee, having a lease for a minimum period of 19 years and 11 months. The specific condition stipulated therein is that the land offered by the applicant should be available with him as on the date of the application.

In the case on hand, it is an admitted fact that the petitioner was neither the owner of the land offered by him nor did he have a long term lease in respect thereof at the time he aspired for award of the retail outlet dealership under Group-1 category. No doubt, the land owned by the family members is also to be considered as belonging to the applicant but the same was subject to production of a consent letter from such owner in favour of the applicant in Appendix III-A. However, as already pointed out *supra*, the affidavits filed by the petitioner's father mentioned different lands at different points of time. It is now stated that the land sought to be offered by the petitioner was not in *Khasra* No.9//6/2 but in *Khasra* No.9//8/2.

Mr. Jarnail Singh Saneta, learned counsel for the petitioner, would assert that the petitioner's father owns both the lands in question and that both were offered but there is no clarity whatsoever either in the application or the supporting documents as to which land the petitioner wished to offer. In the absence of such clarity on the part of the petitioner, this Court cannot find fault with the Indian Oil Corporation Limited for treating the petitioner as ineligible under Group-1 category.

Mr. Ashish Kapoor, learned counsel for the Indian Oil Corporation, would state that the later affidavit of the petitioner's father was submitted by the petitioner only in July, 2019, seven months after the last date, viz., 25.12.2018, and in the interregnum, the Indian Oil Corporation Limited proceeded with the selection and allotted the dealership to a third party. The person selected is not even a party to this petition. In such circumstances, no interference is warranted at the behest of the petitioner, who showed utter carelessness and negligence in putting-forth his candidature with proper documentation.

The writ petition is devoid of merit and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

December 13, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.