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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 350/2018 & CM APPL. 46923/2017**

SHAHNAWAZ ALI ..... Petitioner

Through Mr G.S. Sharma, Advocate with Mr R.A. Sharma, Advocate.

versus

THE SECRETARY, MINISTRY OF PETROLEUM & NATURAL GAS & ANR. ..... Respondents

Through Mr Ashish Rana, Mr Harshit Garg, Mr Anurag Singh, Advocates for Hindustan Petroleum Corporation Ltd. Mr Anil Soni, CGSC with Mr Abhinav Tyagi, Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 13.02.2019

1. The petitioner has filed the present petition, inter alia, praying as under:-

> "Issue a writ of mandamus/ order/direction of like nature thereby directing the respondents to credit the LPG subsidy in the bank account of petitioner having Account No.645802010008588 with Union Bank of India, Sherpur Chowk, Karawal Nagar Road, Delhi-110094."

2. The petitioner has a gas connection from Hindustan Petroleum Corporation Limited (HPCL), which is distributed to the petitioner through respondent no.2 (M/s Emarsons Gas Agency).

3. Mr Sanjeev Prakash, a constituted partner of respondent no.2, is present in Court. He submits that there is no issue regarding disbursement of subsidy. He states that the petitioner had opened an account with Bank of India and, as per the procedure, the subsidy is to be transferred to the last Aadhar linked bank account opened by the beneficiary. He states that the subsidy disbursed to the petitioner is lying credited in the petitioner's bank account (bank account No.605318210000601) maintained with the Bank of India, Laxmi Nagar Branch, Delhi, since 22.04.2014. He further states that he has personally enquired from the bank and has been informed by the Bank Manager that if the petitioner does not wish to continue with the bank account, he is at liberty to withdraw the amount and close the account.

4. The learned counsel appearing for the petitioner states that the petitioner has never opened a bank account with the Bank of India and, therefore, it is obvious that the subsidy has been illegally diverted.

5. Insofar as the petitioner's prayer with regard to the disbursement of subsidy is concerned, no further orders are required to be passed since the said subsidy is lying credited in a bank account in the name of the petitioner. The petitioner is at liberty to approach the concerned bank and withdraw the said subsidy. It is at the discretion of the petitioner whether to continue with the said account or to elect to receive the subsidy in any other bank account.

6. This Court is informed that if the petitioner approaches any other bank and submits the mandated form, HPCL shall disburse the subsidy directly in that account.

7. Insofar as the petitioner's grievance regarding the unauthorized opening of the bank account with the Bank of India is concerned, it will be open for the petitioner to file an appropriate complaint with the concerned bank and/or any other authority. Needless to state that if any such complaint is made, the same shall be investigated by the concerned authorities and the necessary action shall be taken in accordance with law.

8. The petition is disposed of with the aforesaid directions. The pending application is also disposed of.

9. Order *dasti*.

VIBHU BAKHRU, J

FEBRUARY 13, 2019
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