

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.07.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.480 of 2020

S.Shylaja .. Appellant/Petitioner

vs.

The Bharat Petroleum Corporation Ltd.,
rep. by its Territory Manager,
Chennai LPG Bottling Plant,
J1-J6, SIPCOT Industrial Complex,
New Gummidipoondi-601 201,
Tiruvallur District. .. Respondent/Respondent

Appeal filed under Clause 15 of the Letters Patent
against the order dated 28.11.2019 passed by the learned
Single Judge in W.P.No.16331 of 2019.

WP.16331 of 2019: Petition filed U/A 226 of the
constitution of India 1950, praying to issue a writ of
certiorarified Mandamus Calling for the records relating to
the impugned order dated 03/06/2019 in Ref. No.BPC
03303014522092017 issued by the respondent quash the same
and consequently direct the respondent to appoint the
petitioner as the LPG Distributor for the area applied by
accepting the land for show room bearing S.No.492/3B1 New
Survey No.492/3B1 B as per Patta No.2863 situated at No.59
Ponneri Thiruvallur District and Godown bearing S.No.63/2A
New Survey No.63 /2A2 as per Patta No.5837 situated at
No.58 Thadaperumpakkam Group Kodur Village Thiruvallur
District.

For Appellant

: Mr.P.Krishnan

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant and perused the impugned judgment.

2. The learned Single Judge, in a writ petition filed for grant of LPG dealership, came to the conclusion that the appellant offered an alternate land, the lease in respect whereof came to be registered on 12.03.2019, which was beyond the last date of the submission of the application which is 25.09.2017. The learned Single Judge also relied on a Division Bench judgment of this Court and the judgment of the Apex Court to deny the said benefit.

3. Aggrieved, the appellant is before this Court contending that the learned Single Judge has not arrived at the correct conclusion, inasmuch as, a concession in this respect is available as per the circular dated 09.06.2016 issued by the Indian Oil Corporation Limited. It is also urged that such communication was also addressed to the Bharat Petroleum Corporation Limited, who is the respondent herein and therefore applying the said circular, the appellant is entitled to get her lease deed considered for grant of the dealership.

4. Having considered the submissions raised, we find that the date of advertisement in the present case is 20.08.2017, which is much after the said circular dated 09.06.2016 that is sought to be relied on. The aforesaid communication states that the alternate land, the registration whereof may have taken place after the date of application, should be accepted. This circular of the Indian Oil Corporation Limited may be binding on the Indian Oil Corporation Limited, but the same does not find reference in the advertisement dated 20.08.2017, which was issued later on. Accordingly, we cannot assume that the respondent Bharat Petroleum Corporation Limited had issued an advertisement subject to the said circular. The condition of such concession being available not being mentioned in the advertisement, would be unfair as against any other applicant, and if such a benefit is claimed and concession granted would violate Article 14 of the Constitution of India. Even otherwise, it is doubtful as to whether the circular issued by the Indian Oil Corporation Limited would amount to altering the guidelines framed for a grant of dealership by the Bharat Petroleum Corporation Limited.

5. Thus, for the reasons given by the learned Single Judge and also for the reasons stated herein above, we do not find any substance in the claim of the appellant so as to extend any such benefit as prayed for.

The appeal, therefore, lacks merit and is accordingly dismissed. Consequently, C.M.P.No.7254 of 2020 is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

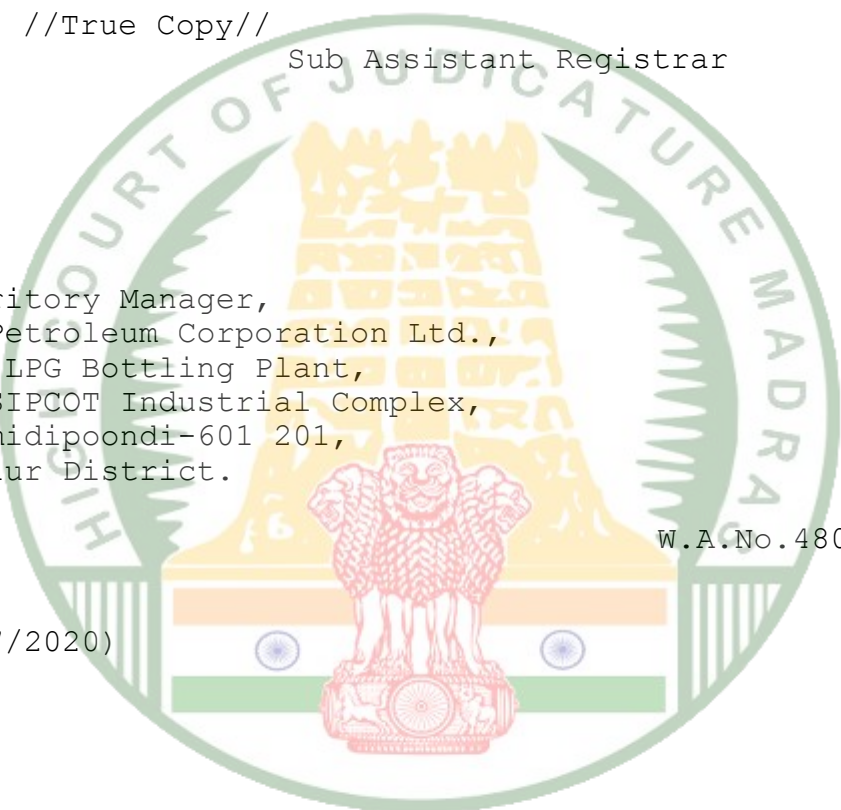
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To

The Territory Manager,
Bharat Petroleum Corporation Ltd.,
Chennai LPG Bottling Plant,
J1-J6, SIPCOT Industrial Complex,
New Gummidipoondi-601 201,
Tiruvallur District.

W.A.No.480 of 2020

VGII (CO)
CB(31/07/2020)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes, with the Ashoka Chakra in the center. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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