

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 1025 of 2020

Date of Decision: January 15 , 2020.

Atul Bhagat PETITIONER (s)

Versus

Bharat Petroleum Corporation Ltd. and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Atul Arya, Advocate
for the petitioner.

Mr. Raman Sharma, Advocate
for respondents No.1 and 2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This petition has been filed for quashing of order/letter dated 24.12.2019 conveyed to the petitioner by the respondent-Bharat Petroleum Corporation Ltd. and further directing respondents No.1 and 2 to restore the candidature of the petitioner for LPG Distributorship.

It is submitted that the respondents have proceeded in an arbitrary manner in rejecting the candidature of the petitioner for LPG Distributorship on

the ground that he is unable to produce the 'No Objection Certificate' from the share holders of the land offered by the petitioner, for the purpose of the godown. Learned senior counsel further submits that in case sufficient opportunity had been provided to produce the requisite documents, the needful would have been done. The petitioner had also submitted a written request dated 13.11.2019 (Annexure P16) for grant of three months for submission of necessary documents. The petitioner was, however, afforded only ten days to submit the NOC or alternate land, failing which the field verification of credentials, it was informed, would be concluded (memo dated 16.11.2019, Annexure P17). The petitioner, it is contended, submitted a report dated 20.11.2019 (Annexure P18) by the Tehsildar, Jalandhar to indicate that the property in question is owned by Surinder Pal, Mahinder Pal and Ashwani Kumar, sons of Chunni Lal Bhagat. The description of the property was mentioned therein. The petitioner's candidature without any notice was cancelled vide impugned memo dated 24.12.2019, Annexure P22. Learned counsel submits that the petitioner being reflected as a co-sharer in some part of the land, in question, shall submit the 'No Objection Certificate' from the other co-owners provided that some time is afforded in this respect. Cancellation of his candidature in such haste, it is submitted, is unjustified.

Learned counsel for respondent-Corporation submits that the petitioner's candidature has been rightly cancelled on 24.12.2019 (Annexure P22) as he failed to submit the 'No Objection Certificate' as mentioned above. The fresh draw of lots is to be held on 17.01.2020 for which an enormous expense has already been incurred by respondent No.1, therefore, there is no question of

affording any more time to the petitioner in this respect.

Heard learned counsel for the parties.

It is a matter of record that the petitioner had applied for the LPG Distributorship on 19.11.2013. On being found eligible, the petitioner was ultimately called for the draw of lots vide letter dated 16.09.2019. The draw of lots was held on 30.09.2019 in which the petitioner was successful. Various amounts as required and mentioned in the petition, were deposited by him. The petitioner submitted the documents for field verification of the dimensions and location of the land and thereafter, submitted Nazi Naksha. Respondent-Corporation, however, cancelled his candidature on the ground that the petitioner was a co-sharer of the land in question and there were as many as 100 other co-sharers but 'No Objection Certificate' in terms of Clause 6(vii) was not submitted.

After hearing learned counsel for the parties, I find merit in the plea raised by the petitioner to the extent that some time should be afforded to him to furnish the 'No Objection Certificate' from the co-sharers of the land as required by respondent-Corporation.

Keeping in view the factual matrix of the case, it is considered just and expedient to direct that in case the petitioner submits the requisite 'No Objection Certificate/Certificates' to the satisfaction of the respondent-Corporation by 02.03.2020, the Corporation shall then reconsider its decision dated 24.12.2019 on the petitioner's candidature and decide the matter afresh within a week thereof.

As respondent-Corporation has undisputedly incurred sufficient expense on the issuance of the advertisement etc. for the draw of lots, the same

be conducted on 17.01.2020 as already fixed, but the proceedings pursuant to the same be not finalized till a final decision is taken by the respondent-Corporation on the petitioner's candidature as directed hereinabove.

Petition is disposed of accordingly.

January 15 , 2020.
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(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No