

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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LPA No.1205 of 2021 (O&M)
Date of Decision: December 17th, 2021

Indian Oil Corporation Limited and others

...Appellants

Versus

Sonia Marya

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ashish Kapoor, Advocate
for the applicants-appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.2816-LPA of 2021

Prayer in this application is for condonation of delay of 29 days in re-filing the appeal.

For the reasons mentioned in the application, the delay of 29 days in re-filing the appeal stands condoned.

LPA No.1205 of 2021

Challenge in this appeal is to the order dated 19.08.2019 passed by the learned Single Judge, whereby writ petition preferred by the respondent praying for quashing of the order dated 15.06.2018 (Annexure P-10) vide which the candidature of the said respondent for LPG distributorship was rejected and an amount of ₹40,000/- was forfeited, was accepted by coming to a conclusion that the rectification deed dated 07.02.2018 (Annexure P-7) would relate back to the original date of the lease deed i.e. 15.03.2017. This was so concluded in the light of the judgment of this Court in ***Brij Lal and others Versus Kartar Kaur (Deceased) by Legal Representatives and others 1989 (1)***

R.R.R. 30.

2. It is the contention of learned counsel for the appellants that although the original lease deed was prior to the extended date for receipt of the applications for applying for the LPG distributorship but the rectification deed was subsequent to the last date of receipt of the applications because of which the rectified lease deed could not have been accepted and has rightly been rejected by the appellants. It has further been asserted that in the application, the land has been mentioned as Killa No.56//19/2 whereas in the rectification deed, it is 56//10/2. There is difference in the land which has been offered for ultimate consideration on the basis of the rectification deed. He thus contends that the rejection of the candidature of the respondent was in accordance with the regulations of the appellants as also the factual position. He, therefore, prays that the present appeal may be allowed and the impugned order dated 19.08.2019 passed by the learned Single Judge be set aside.

3. We have considered the submissions made by the counsel for the appellants and keeping in view the law, as has been settled by this Court with regard to the relating back of the date of deed of rectification to the date of original deed, we do not find any illegality in the conclusion which has been drawn by the learned Single Judge by observing that the rectification deed would relate back to the original date of the lease having been executed, which admittedly would be prior to the last date of receipt of the applications. The ground, therefore, for rejecting the application of the respondent cannot be sustained.

4. The other submission with regard to the aspect that the land as described in the original lease deed was different from the rectification deed and the land in the application, which has been mentioned was as per the

original lease deed and, therefore, the application could not be accepted, again cannot be accepted for the simple reason that the rectification had been carried out in the lease because of a typographical error, where instead of Killa No.56//10/2, it was mentioned as Killa No.56//19/2. It is factually admitted that the location and area is the same and, therefore, this plea of the appellants again cannot be accepted.

5. In view of the above, we do not find any ground for interfering with the order passed by the learned Single Judge in the present appeal and, therefore, dismiss the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 17th, 2021
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No