

CWP-366-2020

Date of Decision: 23.3.2021

Rakha Rani

..... Petitioner

Versus

Haryana Sehri Vikas Pradhikaran and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Arav Gupta, Advocate, for the petitioner.
Mr. Arvind Seth, Advocate, for respondents No.1 to 3.
Mr. Sandeep S.Mann, Additional Advocate General, Haryana.
Mr. P.S. Miglani, Advocate, for respondent No.6.
Mr. Raman Sharma, Advocate, for respondent No.7.

AJAY TEWARI, J. (ORAL)

By this petition, the petitioner has sought the following relief:-

“To quash the impugned letter dated 13.11.2019 (Annexure P-9, issued by respondent No.3, whereby it has been decided that the allotment of RO Dealership shall be done through e-auction as per policy dated 5.9.2019 (Annexure P-10) because the policy dated 5.9.2019 cannot be applied retrospectively as the respondents had issued advertisement on 25.11.2018 for allotment of RO Dealership and the petitioner has been awarded the same vide letter dated 17.8.2019 and now the respondents cannot be permitted to allot the same through e-auction; further to direct respondents No.1 to 4 to consider and take a final decision on the petitioner's representations (Annexures P-4 to P-7) and to restrain respondents No.6 and 7 from re-allotting the RO Dealership at Sector-64 or 65, Faridabad Bye Pass Road, District Faridabad to any other person.”

Brief facts of the present case are that respondent No.7 issued an advertisement dated 25.11.2018, wherein, it had asked for applications for setting up petrol pumps at different locations, one of them being on the road of Sector 64 and 65, Faridabad, the Corporation had reserved that pump for a person belonging to Scheduled Caste Category. The petitioner applied for the same and was successful and received a letter dated 17.8.2019. One of the conditions in the aforesaid letter was that the petitioner had to arrange land for which the petitioner approached respondent No.1 on 21.9.2019. However, before that application could be decided, respondent No.1 changed its policy and decided that henceforth land would be allotted only by way of e-tendering and it is this action which has been challenged in this petition.

Learned counsel for respondent No.1 states that whatever agreement may have taken place between the petitioner and respondent No.7 is not binding on respondents No.1 to 3. As per him, neither the petitioner nor respondent No.7 can determine the time or rate at which the property has to be allotted for a petrol pump and it is for respondents No.1 to 3 to decide the time for e-tendering.

Learned counsel for the petitioner has sought to argue that both respondents No.1 to 3 as well as respondent No.7 are State agencies and therefore, a direction should be given to them to consider the case of the petitioner sympathetically.

In our opinion, no such relief can be granted. It is not disputed that any agreement which may have taken place between the petitioner and respondent No.7 was bilateral and respondents No.1 to 3 were not parties to

the same. Consequently, it has to be held that the petitioner has no claim against the respondents No.1 to 3 and if that be so, there is no question of giving a direction to consider the claim of the petitioner by respondents No.1 to 3.

Dismissed accordingly.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

23.3.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No