

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

101

CWP No.3028 of 2021

Date of Decision:08.12.2023

Bharat Bhushan and others

....Petitioners

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Govind Chauhan, Advocate
for the petitioners

Mr. Rakesh Verma, Senior Panel Counsel
for the Union of India

Mr. Raman Sharma, Advocate
for respondents No. 2 and 3 and
as Addl. A.G.Haryana for State of Haryana

Mr. Ajaivir Singh, Advocate
for respondent No. 5

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are assailing allotment of petrol pump to respondent No. 5 by respondent No. 3.

2. The respondent-Hindustan Petroleum Corporation Limited (in short "respondent-corporation") advertised different locations for establishing petrol stations in the State of Haryana. The advertised sites

included one site which reads as:-

**“within 5 Km from Assand WML towards Karnal On
NH 709-A.”**

The date of advertisement was 25.11.2018. The last date to apply was 25.12.2018. The respondent-corporation conducted draw of lots on 03.07.2018 which culminated into selection of respondent No. 5 as successful candidate. Letter of Intent dated 08.11.2019 came to be issued in favour of respondent No. 5. The petitioners have preferred present petition assailing the allotment of petrol station to respondent No. 5

3. Learned counsel for the petitioners submits that as per the advertisement, the petrol station can be installed within 5 kms of municipal limits of Assand and interpretation advanced by respondent-corporation is not in consonance with the advertisement. Either the respondent is misinterpreting the advertisement or there was confusion in the advertisement. The petitioners on account of confusion could not apply for the allotment of petrol station.

4. Per contra, learned counsel for respondent-corporation and respondent No. 5 submit that petitioners are already having petrol station. The petitioners are partners of partnership firm to whom pump was allotted. As per policy of the respondent-corporation, a partner of a partnership firm having petrol station, cannot apply for second petrol station. The petitioners, in terms of, guidelines were precluded to participate in the selection process, thus, claim of the petitioners that they could not apply because of confusion in the advertisement is misplaced. The advertisement is very much clear.

The expression “Assand WML” is preceded by word “from” and it is

followed by words “towards Karnal On NH 709-A”. The petitioners are having petrol station and they do not want that any other petrol station should be established in or around Assand.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it comes out that as per laid down guidelines, the petitioners being having petrol station, were not entitled for allotment of another petrol station. The petitioners were debarred from applying against the advertisement in question. The advertisement was published on 25.11.2018 and last date to apply was 25.12.2018. It is not case of the petitioners that there was connivance between officers of respondent-corporation and respondent No. 5. The petitioners opted to remain silent from 2018 to 2020 and all of a sudden, filed present petition in February’2021 assailing allotment to respondent No. 5. Had petitioners been aggrieved, they must have challenged the advertisement itself. The petitioners were having petrol station so they were having access to respondent-corporation and they could easily gather information from available sources.

7. Apart from the fact that petitioners neither participated in the selection process nor they have challenged the advertisement well within time, there is another facet of the case. The petitioners are claiming that there was confusion in the advertisement whereas from the perusal of the same, it is quite evident that it was specifically mentioned in the advertisement that location would be ‘**within 5 Kms from Assand towards Karnal on NH 709-A**’. Had respondent-corporation advertised location

within Assand, there was no need to use expression ‘from’ and ‘towards Karnal on NH 709-A’. Once the advertisement provides “towards Karnal” it means it cannot be in any other side/corner of the Assand Municipality. There must be other sides/corner of municipality Assand and if contention of the petitioner is accepted, the location can be in any other corner/side of the Assand municipality. There is no confusion in the advertisement and petitioners just to thwart allotment of petrol station to respondent No. 5 are mis-interpreting the advertised site.

8. In view of the above facts and findings, this Court does not find merit in claim of the petitioners. Accordingly, the writ petition is hereby dismissed.

(JAGMOHAN BANSAL)
JUDGE

08.12.2023
paramjit

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