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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5250-2020 (O&M)
Date of Decision: 20.03.2023

Amit Dhiman

....Petitioner(s)

Versus

Indian Oil Corporation Limited and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Palak Jain, Advocate, for the petitioner.

Mr. Ashish Kapoor, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for setting aside the impugned letter dated 07.11.2019 (Annexure P-13) and also the impugned order dated 21.11.2019 (Annexure P-14) whereby the candidature of the petitioner has been wrongly rejected for retail outlet dealership stating that the certain documents have not been submitted by the petitioner without giving any opportunity of hearing to the petitioner.

Learned counsel for the petitioner has submitted that the petitioner had applied for retail outlet for petrol pump and in this regard an application was filed vide Annexure P-3. She submitted that since the applicants are divided into three categories i.e. Group-1, Group-2 and Group-3. The petitioner had applied under Group-3 category which is

evident from a perusal of Annexure P-3. So far as the categorization is concerned, she submitted that those persons who already have land with them, they applied under Group-1 and those who may get a land applied in Group-2 and those who did not have land for setting up the retail outlet, they applied in Group-3 and since the petitioner did not have any land at that point of time, he applied in Group-3. Thereafter the respondent-Corporation vide Annexure P-4 wrote a letter to the petitioner for providing some suitable land since the petitioner had applied in Group-3 Category and thereafter the petitioner had a land regarding which he then applied in Group-2 vide Annexure P-5 by way of a fresh application and a perusal of the same would show that he then applied in Group-2 by giving a description of the land which is also clear from the aforesaid Annexure P-5 which states that the land was situated in village Sarabha, main Pakhowal Road, khasra No.27//6/1. 28//10/1. khatoni No.497, VPO Sarabha. She submitted that despite the fact that land was offered by the petitioner, the respondent-Corporation did not consider the candidature of the petitioner either under Group-2 or Group-3 and in fact rejected the claim of the petitioner vide impugned order Annexure P-13.

On the other hand, Mr. Ashish Kapoor, Advocate appearing on behalf of the respondent-Corporation submitted that it is a case where the petitioner earlier applied in Group-3 since he did not have any land and thereafter a land was offered by way of Annexure P-5 in which a specific khasra number and specific village has been mentioned but on physical verification it was found that the aforesaid land did not belong to the petitioner. He submitted that in accordance with the procedure of the

brochure, a person who is interested in getting the dealership is also to file two Appendix i.e. Appendix III-A and Appendix III-B by which the necessary certificates from an Advocate and necessary certificate from the co-owners are to be taken but when the petitioner supplied the aforesaid documents including the document pertaining to the certificate from the Advocate with regard to the ownership of the petitioner of the aforesaid land, the same certificate was pertaining to some other land which was totally different from the land which was so incorporated in the application Annexure P-5 and therefore on verification it was found that the land which has been stated so in the second application filed by the petitioner in Annexure P-5 did not belong to the petitioner nor any supporting affidavit has been filed. He submitted that in this way the respondent-Corporation had no option but to reject the candidature of the petitioner which has been rightly so done vide impugned order Annexure P-13. He submitted that now since no candidate is available for the purpose of allotment of the retail outlet, the Company will now re-advertise the appropriate site in due course and has prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

It is a case where the petitioner had earlier applied under Group-3 Category vide Annexure P-3 and thereafter when details of the land was sought by the Corporation, he made a fresh application under Group-2 and gave a description of the land which is clear from Annexure P-5. As per the learned counsel for the respondent-Cooperation on verification it was found that the said land did not belong to the petitioner nor any supporting document especially which is so required in Appendix

III-A which is a certificate of the Advocate was pertaining to some other land and in view of the aforesaid verification, the respondent-Corporation rejected the claim of the petitioner vide impugned order (Annexure P-13). During the course of arguments, this Court put a specific query to the learned counsel for the petitioner as to whether the aforesaid land belongs to the petitioner or not to which she submitted that the aforesaid land which is incorporated in Annexure P-5 does not belong to the petitioner but she submitted that the petitioner is in process of acquiring another land in which agreement to sell has been executed and sale deed will be duly executed and therefore the petitioner had a right to be considered under Group-3. Another query was put to the learned counsel for the petitioner as to till date any such land is available to the petitioner or not to which she submitted that it will be available to the petitioner in due course. The process of selection started in the year 2018 and almost 5 years have elapsed and the petitioner still does not have any land and therefore this Court is of the view that the respondent-Corporation was well within its rights to have rejected the claim of the petitioner on the ground that the petitioner does not have any land. This Court does not find any illegality or perversity in the impugned order Annexure P-13 which has been passed by the respondent-Corporation.

Consequently, the present petition is dismissed.

20.03.2023

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No

: Yes/No