

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14518-2009 (O&M)

Date of Decision:13.12.2023

GURTEJ SINGH GILL

..... Petitioner

Versus

UNION OF INDIA & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Jasdev Mehndiratta, Advocate with
Ms. Navkeet Dhaliwal, Advocate
Ms. Hanimal Grewal, Advocate for the petitioner.

Mr. M.S. Rana, Advocate for
Mr. Ashish Kapoor, Advocate for the respondents No.2 to 4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 27.01.2009 (Annexure P-4) and order dated 13.02.2009 (Annexure P-6) passed by respondent No.3 whereby application of the petitioner seeking allotment of gas agency has been rejected.

2. On 10.09.2010, the following order was passed:

“The petitioner has placed on record a Photostat copy of the complete set of application format along with Annexure 'A' which is the format of an affidavit to be submitted after getting it typed on a non-judicial stamp paper.

The affidavit submitted by the petitioner is strictly in consonance with the format. Despite that, his application has been rejected by the Corporation by stating that the affidavit submitted by him is not as per the prescribed format. The original application of the petitioner as produced by the respondent Corporation shows is also in same format but the format of affidavit is missing.

As prayed for by learned counsel for the respondent

Corporation, adjourned to 22.11.2010 to enable him to file an additional affidavit and clarify the factual position. A senior officer of the corporation shall remain present in Court to assist the Counsel.

The original application has been returned to learned counsel for the respondent Corporation.”

3. Learned counsel for the respondents submits that distributorship of gas agency was allotted to a third party in 2011 and the said party is operating since then.
4. In view of allotment of gas agency to a third party in 2011, this Court does not find it appropriate to cancel allotment to third party and ask the respondent-Corporation to allot gas agency to the petitioner. The petition is pending before this Court since 2009 and dispute was confined to contents of the affidavit. As per petitioner, he has filed affidavit in the form which was supplied by IOC whereas IOC is claiming that petitioner has filed incomplete affidavit. These are disputed question of facts which need not be adjudicated at this belated stage, however, considering the facts and circumstances, this Court finds it appropriate to request the respondent-Corporation to consider case of petitioner with respect to any other location, if petitioner is found eligible and complies with other terms and conditions.
5. Disposed of in the above terms.
6. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

13.12.2023

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No