

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

203

CWP-25125-2016 (O&M)

Date of Decision : 21.07.2023

Renu Bala

..... Petitioner

Versus

Indian Oil Corporation Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Rahul Sharma, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking setting aside of order dated 13.10.2016 (Annexure P-12) whereby LOI for the allotment of LPG distributorship has been terminated.

2. Mr. Ashish Kapoor, Advocate, at the outset, submits that different locations were advertised for the allotment of distributorship under Rajiv Gandhi Gramin LPG Vitrak Scheme (RGGLV). The Government of India vide communication dated 14.07.2016 intimated all the oil companies that advertisement of all locations of RGGLV, where draw or re-draw is required and is yet to be conducted except for the advertised locations which are under litigation, be cancelled. The Corporation vide notice dated 08.11.2016 published in different

newspapers has cancelled various locations including location in question. The Corporation had cancelled location prior to filing of present writ petition, thus, the petitioner has no right to claim distributorship.

3. Mr.Rahul Sharma, Advocate submits that communication dated 14.07.2016 of Government of India is not applicable to the petitioner because matter of the petitioner was under litigation.

4. I have heard arguments of learned counsel for the parties and perused the record.

5. From the communication dated 14.07.2016 of Government of India read with public notice dated 08.11.2016, it is quite evident that respondent has already cancelled location in question wayback i.e. 2016. The location was cancelled even prior to filing of writ petition, thus, the petitioner is precluded from claiming that his location was under litigation. Location in question is covered by communication dated 14.07.2016. The respondent-Corporation has cancelled location in question and order of cancellation has been passed in view of communication dated 14.07.2016 of Government of India. As location itself has been cancelled, this Court has no jurisdiction, in exercise of power under Article 226 of the Constitution of India to ask the respondents to create location and thereafter allot distributorship of LPG to the petitioner. The petitioner has no fundamental or vested right to claim distributorship. The contract to be executed between the parties was a commercial contract and the petitioner has no fundamental or vested right to claim distributorship. In such circumstances, this Court does not find it appropriate to direct the respondents to create location and thereafter allot distributorship.

6. In view of cancellation of location, the petition is bereft of merit and deserves to be dismissed and accordingly dismissed.
7. Pending applications, if any, shall also stand disposed of.

21.07.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>