

204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2792-2018

Date of Decision:18.12.2023

VIKAS

..... Petitioner

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Damanjeet Singh Batalvi, Advocate with
Ms. Monika Khatri, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for respondents No.2 to 5.

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 04.12.2017 (Annexure P-10) whereby candidature of the petitioner for the allotment of retail outlet has been rejected.

2. This is second round of litigation. The petitioner on earlier occasion filed CWP No.2058 of 2012 before this Court which came to be disposed of vide order dated 28.08.2017. The order dated 28.08.2017 reads as under:

“Petitioner has posed a challenge to the marks allotted while considering various candidates for allotment of petrol outlet. It has been urged before the court that the process was arbitrary in nature. Petitioner has submitted all the relevant documents yet he was given zero mark against the head of providing adequate

infrastructure. Learned counsel for the petitioner submits that petitioner shall be satisfied in case an opportunity of hearing is afforded and reasons for allotting zero mark to him are given.

Petition is disposed of with the direction that respondents shall afford an opportunity of hearing to the petitioner. Thereafter the reasons for taking the decision as to how the mark-sheet is prepared would be furnished to the petitioner. Petition is disposed of in these terms.

It is, however, made clear that this order would not effect the functioning of petrol outlet which is stated to be in operation since August, 2014.”

The respondent pursuant to aforesaid order has passed impugned order dated 04.12.2017.

3. Mr. Damanjeet Singh Batalvi, learned counsel for the petitioner submits that respondent has wrongly rejected candidature of the petitioner. The petitioner was entitled to marks with respect to sale deed, however, respondent did not award marks, resultantly another candidate came to be selected.

4. Per contra, Mr. Ashish Kapoor, learned counsel for the respondents submits that petitioner as well as respondent No.6 were awarded '0' marks under heading 'capability to provide land and infrastructure'. The Selection Committee did not find it appropriate to award marks with respect to property disclosed by the petitioner. In the impugned speaking order, the respondent has duly disclosed reason for not awarding marks on the basis of sale deed produced by petitioner.

5. It is undisputed fact that respondent No.6 is operating petrol pump since 2014. It is a contractual matter. The respondent-Corporation

has entered into a contract with respondent No.6 instead of petitioner. The respondent No.2 being public sector undertaking is amenable to writ jurisdiction, however, scope of interference in contractual matter is narrow. There are disputed question of facts and respondent No.6 is operating petrol pump since 2014. In these circumstances, this Court, at this belated stage, does not deem it appropriate to cancel contract executed between respondent No.2 and respondent No.6 and ask respondent No.2 to allot retail outlet to petitioner.

6. The present petition deserves to be dismissed and is accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

18.12.2023
Ali

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