

2023:PHHC:124106

CWP-30193-2018

Date of Decision:- 21.09.2023

DIAMOND GOLDEN STAR CULTURE CLUB

.....Petitioner

Versus

BHARAT PETROLEUM CORPORATION LIMITED AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for respondents No.1 to 4

Mr. Rohit Ahuja, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 02.11.2017 (Annexure P-3) whereby candidature of the petitioner has been rejected for the LPG distributorship.

2. The petitioner is a registered society and duly registered under the Societies Registration Act, 1860 with the Registrar of Societies, Amritsar. It is holding Registration No. ASR/777/2001-02. Pursuant to an advertisement issued by respondents-Bharat Petroleum Corporation Limited (for short "Corporation"), the petitioner applied for the allotment of LPG distributorship. The application was filed as registered society. The respondent-Corporation vide communication dated 02.11.2017 (Annexure

P-3) rejected candidature of the petitioner on the ground that petitioner is not a registered Cooperative Society/Consumer Society.

3. Learned counsel for the petitioner *inter-alia* submits that Additional Registrar of Societies, Amritsar vide Memo dated 30.11.2017 (Annexure P-8) has confirmed that petitioner is a registered society. The respondent-Corporation without getting information from Registrar of Societies formed an opinion that petitioner is not a registered Cooperative Society/Consumer Society.

4. Learned counsel for the respondent-Corporation supporting impugned order dated 02.11.2017 submits that petitioner is a club and it is not a registered Co-operative/consumer society, thus, LPG distributorship cannot be granted to the petitioner.

5. I have heard learned counsels for the parties and perused the record.

6. From the perusal of brochure issued by respondent-Corporation, it is evident that a registered Cooperative Society or Consumer Society can apply under reserved category. The petitioner applied under reserved category. From the perusal of letter issued by Registrar of Societies, it goes beyond the pale of doubt that petitioner is a registered Society, thus, finding recorded by respondent-Corporation that petitioner is not a registered Society is factually incorrect.

7. In view of letter issued by Registrar of Societies, the impugned order deserves to be set aside and accordingly set aside. The respondent-Corporation is directed to reconsider case of the petitioner in the light of its brochure and guidelines. If it is found that petitioner complies with all other

terms and conditions, he would be entitled to allotment of LPG distributorship.

21.09.2023
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned / speaking? Yes
Whether reportable? Yes / No