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WP No.2143 of 2



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15-04-2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM**

**WP No.2143 of 2023  
And  
WMP No.2229 of 2023**

Mrs.A.Anitha

.. Petitioner

-VS-

1.Indian Oil Corporation Limited,  
Represented by its Chairman,  
Indian Oil Bhavan,  
G-9, Ali Yavar Marg,  
Bandra (East),  
Mumbai-400 051.

2.The Divisional LPG Sales Head,  
Indian Oil Corporation Limited (Marketing Division),  
Trichy Indane Divisional Office,  
“Triveni” 2<sup>nd</sup> Floor, B-35, Shastri Road,  
Thillai Nagar,  
Trichy-620 018.

.. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent letter in TRIDO/Mayiladuthurai dated 11.10.2022 and quash the same as illegal and consequently direct the respondents to issue Letter of Intent (L.O.I) in favour of the petitioner as per the Guidelines on Selection of Regular LPG Dealership (Applicable to all locations Advertised/Re-advertised between August 2013 to March 2014 only) issued by the first respondent.

For Petitioner : Mr.R.Shivakumar for  
M/s.K.M.Vijayan Associates.

For Respondents : Mr.Mohammed Fayaz Ali,  
Standing Counsel for IOC.

### **ORDER**

The rejection of the candidature of the petitioner for selection of Regular Distributorship at Mayiladuthurai in proceedings dated 11.10.2022, is under challenge in the present writ proceedings.



2. The petitioner submitted an application for Regular Distributorship of LPG at Mayiladuthurai, pursuant to the Notification issued during August 2013.

3. It is not in dispute between the parties that the Notification provides specification regarding the land to be offered by the applicant for running LPG Distributorship. Clause 6 of the Notification enumerates eligibility criteria for individual applicants. Clause 6.1 (vii) indicates the land measurement to be followed for considering the application as follows:-

***"Should own as the last date for submission of application as specified in the advertisement or corrigendum (if any)***

***a plot of land of minimum dimensions 25 M x 30 M (within 15 km from municipal/town/village limits of the location offered in the same State) for construction of LPG Godown for storage of 8000 Kg of LPG in cylinders. The plot of land for construction of godown not meeting the minimum dimensions of 25 M x 30 M will not be considered."***



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4. Clause 11 of the Notification speaks about furnishing of false information, which reads as under:-

*"11. FURNISHING OF FALSE INFORMATION*

*If any statement made in the application or in the documents enclosed therewith or subsequently submitted in pursuance of the application by the candidate at any stage is found to have been suppressed / misrepresented / incorrect or false affecting eligibility, then the application / candidature is liable to be rejected without assigning any reason.*

*In case the selection of the candidate is rejected after the FVC or after issuance of LOI but before issue of Letter of Appointment, then the 10% of the security deposit deposited by the selected candidate before FVC will be forfeited.*

*In case the selected candidate has been appointed as a distributor and the allotment is liable to be cancelled, then the distributorship will be terminated along with forfeiture of security deposit remitted by the candidate.*

*In such cases, the selected candidate / distributor will have no claim whatsoever*



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*against the respective Oil Company."*

5. With reference to the terms and conditions stipulated under the Notification, the application submitted by the petitioner was scrutinised by the Authorities. During the Field Inspection, the Authorities found that the land offered by the petitioner is not in consonance with the requirements as stipulated under the Notification. Thus the application/candidature was rejected, which resulted in institution of the present writ petition.

6. The learned counsel appearing on behalf of the petitioner mainly contended that the dimension of the plot offered was not properly considered by the Authorities. The petitioner has offered more than the required extent of land. The said fact was also not taken into consideration.

7. The learned counsel for the petitioner drew the attention of this Court with reference to the 'Site Sketch', which would reveal all dimensions and states that the frontage is to be taken into consideration with reference to the measurement, as stipulated by the petitioner, in the Sketch produced before this Court.



8. The learned Standing Counsel for the respondents would oppose the said contention by stating that the frontage as per Notification must be 25 meters and the length must be 30 meters. The Authorities conducted Field Inspection and found that the land offered is not meeting out the requirements as per Notification.

9. This Court has considered the opinion that the sketch provided by the petitioner in the present writ petition, cannot be taken into consideration by this Court. If at all any error has been committed in measuring the frontage or the property with reference to the requirements contemplated under Notification, the petitioner has to approach the Authorities with clear particulars and in the present case, the Authorities have considered the representation along with revised Sketch produced by the petitioner.

10. Since the Authorities found that the land provided is not in compliance with the requirements as per the terms and conditions stipulated under the Notification, this Court do not find any error in respect of



considering the application.

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11. The High Court cannot dispense with the mandatory requirements stipulated under the Notification for running LPG Distributorship, which requires more safety aspects as per provisions of the Regulations. Thus, the petitioner has not established any acceptable ground for the purpose of granting the relief, as such, sought for in the present writ petition.

12. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

**15-04-2024**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn

To



1. The Chairman,  
Indian Oil Corporation Limited,  
Indian Oil Bhavan,  
G-9, Ali Yavar Marg,  
Bandra (East),  
Mumbai-400 051.
  
2. The Divisional LPG Sales Head,  
Indian Oil Corporation Limited (Marketing Division),  
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**S.M.SUBRAMANIAM, J.**



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