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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15668 of 2020

and

W.M.P.Nos.19517 & 19519 of 2020

K.Aravindhan

... Petitioner

Vs.

1.The Secretary,
Ministry of Petroleum and Natural Gas,
Government of India,
Shastri Bhavan,
New Delhi.

2.The Senior Area Manager,
Indian Oil Corporation Ltd,
Marketing Division,
Anna Salai,
Chennai.

3.The Deputy General Manager,
Indian Oil Corporation Ltd,
Marketing Division,
Anna Salai,
Chennai.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 07.08.2020 passed in Reference No.CHAO/IMP/TVMA/041 by the 3rd respondent, quash the same and consequently direct the 2nd respondent to confirm the tender and issue work order to the petitioner, in line with the proceedings of the 2nd respondent dated 27.02.2017.

For Petitioner	: Ms.Nandhini for Mr.S.S.Rajesh
For R1	: Mr.R.Rajesh Vivekananthan Deputy Solicitor General of India
For R2 and R3	: Mr.V.Anantha Natarajan Standing Counsel for Indian Oil Corporation

ORDER

The order of rejection rejecting the claim of the writ petitioner for grant of LPG distributorship in proceedings dated 07.08.2020 is under challenge in the present writ petition.

2. Pursuant to the notification published on 21.09.2013, the petitioner has submitted an application for LPG distributorship on 22.10.2013. The last date for submission of application was on 22.10.2013. The petitioner was selected and consequently, the petitioner submitted the



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documents. The Field Verification Committee submitted a report on 27.11.2017, stating that the land offered for showroom as per the application submitted by the petitioner is not in the advertised locations as per the VAO letter dated 23.03.2017. The Survey Number mentioned in the application for showroom is coming under the village limit of Vengikkal Village. Thus, the petitioner was directed by the respondent to clarify the variance or to offer an alternate land owned by the petitioner or members of his family as per the policy of the Indian Oil Corporation.

3. In reply dated 28.04.2017, the petitioner had offered an unregistered Lease Deed dated 24.12.2011, that Mr.Jagadeeswaran for a period of 20 years has an alternate land at Adi Annamalai village and claimed that the registration is not mandatory during the year 2011 and the same is followed as per law. The Indian Oil Corporation has not considered and therefore, the writ petitioner filed W.P.No.14918 of 2017. This Court directed the respondents to consider the representation submitted by the writ petitioner on 11.05.2017. Pursuant to the directions issued by the High Court, the respondents have again considered the issues elaborately by affording opportunity to the writ petitioner. The respondents found that the Lease Deed



offered by the petitioner is not registered in the name of the petitioner.

Though, it is claimed that the registration is not required during the year 2011, the said document was produced before the respondents for consideration only in the year 2013 along with the application and the registration was mandatory at that time, if document was submitted for selection to appoint LPG dealership. In the absence of registration of Lease Deed, the respondents decline to accept the claim of the petitioner.

4. Clause 9.1 of the guidelines for selection states as follows:

“In case if the offered land for godown and showroom by the selected candidates which is shown in the application is found not meeting the eligibility conditions/requirements as stipulated in the advertisement/brochure/application at the time of Filed Verification of Credentials (FVC) then the selected candidate can offer an alternate land which is owned by the applicant/member of the “Family Unit” or land belonging to parents and grandparents (both maternal and paternal) of the applicant as on the last date of submission of application as specified either in the advertisement or corrigendum, if any.

As per the above clause, if the land offered by the applicant is found not meeting out the eligibility condition, as stipulated in the procedure, at the



time of field verification, the selected candidate can offer an alternate land, which is owned by the applicant or member of the family unit or land belonging to the parents or guardians as on the date of submission of the application, as specified either in the advertisement or in the corrigendum, if any.

5. The alternate land offered should be owned by the applicant or the member of the family unit or land belonging to the parents and guardians as on the date of submission of application.

6. In the instant case, the petitioner submitted the Sale Deed, which has been registered after the expiry of the last date of submission of the application for selection i.e., on 22.10.2013. Therefore, the respondents had not considered the said document.

7. The term “own” is defined in the procedure as follows.

“Own’ means having ownership title of the property or registered lease agreement for minimum 15 years in the name of applicant/family member (as defined in multiple distributorship norm of eligibility criteria) as on the last date



for submission of application as specified in the advertisement or corrigendum (if any). In case of ownership/co-ownership by family members (s) as given above, consent in the form of a Notarised Affidavit from the family member(s) will be required.

In case the land is jointly owned by the applicant/member of 'Family Unit' (as defined in multiple dealership/distributorship norm) with any other person (s) and the share of the land in the name of applicant/member of the 'Family unit' meets the requirement of land including the dimensions required, then that land for godown/showroom will also qualify for eligibility as own land subject to submission of 'No Objection Certificate' in the form of an Notarised Affidavit from other owner(s)."

8. In view of the fact that the petitioner had not submitted land document in compliance with the guidelines issued for grant of LPG dealership, the selection of the petitioner was cancelled by the Indian Oil Corporation.

9. Court cannot dispense with the mandatory guidelines issued for selection of LPG dealership and in the event of any such misplaced sympathy, the same would cause prejudice to the other candidates who all are



eligible and participated in the process of selection. The guidelines in this regard are to be followed scrupulously.

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10. In the present case, an opportunity was provided to the petitioner to provide an alternate land. The petitioner has also produced the document which was registered, subsequent to the last date for submission of application. The Lease Deed originally produced at the first instance was unregistered. Since both the documents afforded by the petitioner were not meeting out the requirements as contemplated in the guidelines, the petitioner is not entitled for the relief.

11. Therefore, this Court do not find any infirmity in the order dated 07.08.2020 passed by the respondent. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No



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To

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S.M.SUBRAMANIAM, J.

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