

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.129

LPA-316-2024 (O&M)

Date of decision: 21.03.2024

Satpal

....Appellant

Versus

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Vikram Singh, Advocate and
Mr. Ishnoor Singh, Advocate
for the appellant.

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DEEPAK SIBAL, J. (Oral)

1. The present intra court appeal is directed against the judgment dated 15.01.2024 passed by a learned Single Judge of this Court dismissing the petitioner's writ petition filed by him challenging therein withdrawal of the Letter of Intent (for short – LOI) issued in his favour by the Hindustan Petroleum Corporation Limited (for short – the Corporation).
2. Through an advertisement dated 25.10.2014 the Corporation invited applications for setting up of a petrol pump at Tehsil Indri, District Karnal. Responding to the afore advertisement, the appellant applied. Being eligible he was considered and later declared successful in the draw of lots. Thereafter, in his favour a LOI dated 31.03.2015 was issued by the Corporation. Later, the Corporation came to know that on 26.08.2015 a LOI for setting up of a petrol pump has also been issued to the appellant's spouse by Indian Oil Corporation Limited and therefore, after following the principles of natural justice, in terms of Clause 21 of the LOI, the appellant's LOI dated

31.03.2015 was cancelled. The cancellation of the LOI was challenged by the appellant before this Court through filing of a writ petition which the learned Single Judge, through the impugned judgment, has dismissed.

3. Learned counsel for the appellant has been heard and with his able assistance the record of the case has also been perused.

4. Clause 21 of the LOI dated 31.03.2015 issued in the appellant's favour reads as under:-

“21. This LOI will stand automatically withdrawn and cancelled on the happening of any of the following events:-

a) In case you or your close relatives like spouse, unmarried son(s) and unmarried daughter (s) receive anytime or have received a LOI for any other dealership or distributorship from our company or any other oil company either in your individual capacity or in partnership with any other individual(s).

b) If it is found that you have suppressed and/or misrepresented any material facts in your application.

c) In case you are found to be convicted for any criminal/economic offence involving moral turpitude.

d) In the event of death if you are an individual/partner.”

5. Clause 21(a) of the LOI issued to the appellant clearly provides that in case the LOI holder's spouse is at anytime issued a LOI by the Corporation or any other oil company for setting up a petrol pump, then the LOI issued to the appellant shall be withdrawn/cancelled.

6. It is not disputed that the appellant was issued LOI dated

31.03.2015 by the Corporation to set up a petrol pump at Indri, District Karnal and that his wife was also issued a LOI dated 26.08.2015 to set up a petrol pump by the Indian Oil Corporation Limited in the same area. Therefore, after following principles of natural justice and in terms of afore reproduced clause 21 of the LOI issued to the appellant, the Corporation is rightly found to have withdrawn/cancelled the LOI issued to the appellant.

7. In the light of the above, no error, legal or factual, is found in the impugned judgment of the learned Single Judge.

8. Dismissed.

9. All pending miscellaneous applications, if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

March 21, 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No