

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**2024:PHHC:019880
CWP No.3174 of 2024
Date of Decision:13.02.2024**

Mandeep

....Petitioner

VS.

Bharat Petroleum Corporation Limited and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amit Prashar, Advocate
for the petitioner

Mr. Raman Sharma, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communications dated 03.01.2024 (Annexure P-3) and dated 18.01.2024 (Annexure P-9) whereby candidature of the petitioner has been rejected in Group-1 and he has been shifted to Group-3.

2. The petitioner pursuant to advertisement dated 28.06.2023 applied for allotment of Retail Outlet Dealership. The petitioner was found successful in draw of lots held on 06.12.2023. The respondents vide communication dated 03.01.2024 (Annexure P-3) intimated the petitioner that he is not eligible under Group-1 because lease deed has not been executed by all the co-owners of the offered land. The petitioner made representations with a prayer to re-consider his case. The respondents by

order dated 18.01.2024 (Annexure P-9) has rejected claim of the petitioner under Group-1.

3. Mr. Amit Prashar, Advocate, submits that lease deed was executed by two out of three owners and third owner has signed lease deed as a witness and he has further furnished his consent by way of an affidavit. The affidavit and lease deed are of the same date which indicates that third owner of the land was very much aware of the lease deed and he had consented for the same. It is a case of misguidance and lack of proper understanding. The relevant Clause of the brochure needs to be read liberally and case of the petitioner deserves to be re-considered.

4. Notice of motion.

5. Mr. Raman Sharma, Advocate for respondents, who on advance notice is present in Court, accepts notice and waives service.

6. The petitioner concededly applied under Group-1 and he offered a leased land. Clause 4 of the brochure deals with eligibility criteria for individual applicants. The relevant extracts of Clause 4(vi)(a) are reproduced as below:-

“4. ELIGIBILITY CRITERIA FOR INDIVIDUAL APPLICANTS-PROPRIETORSHIP/PARTNERSHIP

(i) to (v)

xxxx

xxxx

xxxx

(vi) **Land (Applicable to all categories):**

xxxx

xxxx

xxxx

The other conditions with respect to offering of land are

as under:-

a) The land should be available with the applicant as on the date of application and should have minimum lease of 19 years and 11 months (as advertised by respective oil company) from the date or after the date of advertisement but not later than the date of application. If the offered land is on Long-term lease and there are multiple owners, then lease deed should be executed by all co-owners of the offered plot. In case lease deed is not executed by all co-owners; such lease deed shall be treated as invalid.”

7. From the perusal of above quoted Clause, it is quite evident that in case of multiple owners of land, lease deed should be executed by all the co-owners of the offered land. The petitioner offered a piece of land which was owned by three co-owners. The lease deed has been executed by two co-owners and third co-owner has signed it as a witness and he has further furnished his consent by way of an affidavit. The procedure adopted by petitioner is not strictly in accordance with the brochure. The respondent has shifted the petitioner from Group-1 to Group-3 and he would be considered alongwith other candidates in Group-3, if no one is selected in Group-1.

8. This Court is of the opinion that respondents may re-consider case of the petitioner because intention of the aforesaid Clause is to get consent of all the co-owners. The petitioner has virtually got consent of all

the co-owners though he has not strictly followed the procedure prescribed in the brochure.

9. In the wake of above discussion and findings, the present petition is disposed of.

(JAGMOHAN BANSAL)
JUDGE

13.02.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No