

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

**2024:PHHC:054442
CWP No.4027 of 2022
Date of Decision:23.04.2024**

Sunny Gulati

....Petitioner

VS.

Bharat Petroleum Corporation Limited (BPCL)

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Kamal K.Chaudhary, Advocate
for the applicant-petitioner

Mr. Ashish Kapoor, Advocate
for the respondent

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside or order dated 01.10.2021 (Annexure P-7) whereby his candidature for the allotment of LPG Distributorship has been rejected.

2. The petitioner pursuant to an advertisement of respondent applied for allotment of LPG Distributorship at Kalka, District Panchkula (Haryana). He was selected in the Draw of Lots. In the application form, he had offered land for godown as well as showroom. The respondent conducted field verification of the proposed site. The respondent in the field verification found that plot offered by petitioner is not available. The respondent vide letter dated 12.04.2021 requested Estate Officer, Municipal

Corporation, Kalka for verification of the plot offered by petitioner, however, no reply was received from the said authority.

3. Mr. Kamal K.Chaudhary, Advocate submits that respondent has cancelled candidature of the petitioner in a mechanical manner. He was not informed about cancellation of his candidature. The respondent conducted fresh draw of lots and selected another candidate. The petitioner was ready to offer alternative land, however, he was not given opportunity. The land offered by him in the original application may be considered.

4. Per contra, Mr. Ashish Kapoor, Advocate, submits that petitioner in the process of field verification did not come forward and vide letter dated 10.08.2021 informed that he is unable to offer plot at Sr. No. 182/3, First Floor, Railway Road, Kalka. He further averred that he can offer plot registered after 2015 onwards. The last date prescribed for filing application was 20.12.2013, thus, land registered after 2015 could not be considered as valid offer.

5. I have heard counsel for the parties and perused the record with their able assistance.

6. From the perusal of letter dated 10.08.2021 written by petitioner, it comes out that petitioner himself admitted that due to some issue he is unable to offer land disclosed in the application form. The last date for filing application was 20.12.2013 and as per Brochure, the applicant must be having offered land by said date. The petitioner in the said letter offered land registered after 2015 which could not be accepted by respondent. The petitioner is claiming that said letter has been written on the asking of officials of respondent, however, there is nothing on record

disclosing that respondent asked the petitioner to write the aforesaid letter. In any case, it is a disputed question which cannot be adjudicated in exercise of writ jurisdiction because evidence led by both sides need to be appreciated.

7. There is another aspect of the matter. The respondent after cancelling candidature of petitioner conducted fresh draw of lots and selected another candidate.

8. In the wake of above discussion and finding, the petition deserves to be dismissed and accordingly dismissed, however, the petitioner with respect to disputed letter, is at liberty to avail any other remedy as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

23.04.2024
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Whether speaking/reasoned:	Yes	
Whether reportable:		No