

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

108

2024:PHHC:041708

CWP No. 7069 of 2024

Date of Decision:22.03.2024

Virender

....Petitioner

VS.

Bharat Petroleum Corporation Limited and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajesh Goyal, Advocate
for the petitioner

Mr. Ashish Kapoor, 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 orders dated 05.02.2024 and dated 19.02.2024 whereby candidature of the petitioner for allotment of Retail Outlet Dealership has been rejected.

2. The petitioner pursuant to advertisement dated 28.06.2023 (Annexure P-1) applied for allotment of Retail Outlet Dealership under OBC category. The application was filed on the basis of leased property. He disclosed Khasra No. 152//11/2, 4K-16M. The application was accompanied with affidavit of owner of the land who had also disclosed same Khasra number and measurement of the land. The respondents declared the petitioner successful and conducted evaluation of land wherein it was found

that land is not abutting the road whereas offered site was of land abutting

the road. On being pointed out, the petitioner offered another piece of land which is abutting the road and owned by same owner.

3. Mr. Rajesh Goyal, Advocate, submits that only one candidate i.e. petitioner was found eligible. The land offered was abutting the road, however, mistake occurred in one document which was copied in all other documents. The petitioner has offered alternative land abutting the road and it is owned by same owner.

4. Mr. Ashish Kapoor, Advocate, submits that petitioner has mentioned Khasra No. 152 in the application form as well as affidavit of the owner of the land. He has offered alternative land which is abutting the road but said land at this stage cannot be considered.

5. The mistake occurred in the application is not a curable defect. As per Brochure, it is non rectifiable defect. This Court cannot ask the respondents to act contrary to terms and conditions of the brochure. The petitioner in all the documents has mentioned a Khasra number which does not fullfil requirement of the advertisement, however, the fact needs to be considered that there is only one applicant and advertised site cannot be allocated to any one else.

6. The petition is disposed of with an observation that respondents, if find appropriate, may consider candidature of the petitioner in the peculiar facts and circumstances.

(JAGMOHAN BANSAL)
JUDGE

22.03.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No