

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

101

**2024:PHHC:035633
CWP-12492-2022
Date of Decision:13.03.2024**

Suresh

....Petitioner

VS.

Indian Oil Corporation Limited and others

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajesh Kumar Dhankar, Advocate
for the petitioner

Mr. Ashish Kapoor, Advocate
for respondents No. 1 to 3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 20.04.2022 (Annexure P-6) whereby his selection for retail outlet has been cancelled.

2. The petitioner pursuant to advertisement dated 25.11.2018 applied under open category for location at Sr. No. 583 i.e. Saffidon to Gohana road. The site was meant for rural outlet. The respondents have rejected candidature of the petitioner on the ground that site offered by him falls at State highway whereas site advertised was at rural road.

3. Mr. Rajesh Kumar Dhankar, Advocate, submits that respondents have permitted setting up of another petrol pump which is near to location offered by petitioner. The said location also falls at State Highway still

respondents have issued Letter of Intent and thereafter petrol pump has been set up.

4. On being asked, Mr. Dhankar concedes that site offered by petitioner falls at State highway.

5. The claim of the petitioner is based upon the fact that another petrol pump has been set up as a rural outlet though site falls at State Highway. The petitioner cannot claim negative equality. This Court cannot permit petitioner to set up his petrol pump at a site which was not advertised by respondents. Setting up of a petrol pump by another candidate in violation of advertisement does not create right in favour of the petitioner.

6. In the above premise, the petition deserves to be dismissed and accordingly dismissed.

7. Before parting with the order, this Court deems it appropriate to direct Deputy Commissioner, Panipat to examine whether at location No. 532 (Safidon to Gohana Road) petrol pump has been set up contrary to or as per advertised location.

(JAGMOHAN BANSAL)
JUDGE

13.03.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No