

2024.PHHC.075839



CWP No.10939 of 2024

Date of Decision:28.05.2024

Vanish Kumar

....Petitioner

vs.

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sachin Ohri, Advocate
for the petitionerMr. Paul S.Saini, Senior Panel Counsel
for the Union of IndiaMr. Raman Sharma, Advocate
for respondent-HPCL

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 11.03.2024 (Annexure P-8) whereby his application for the allotment of Retail Outlet Dealership has been rejected.

2. The petitioner pursuant to an advertisement applied for the allotment of Retail Outlet Dealership at 'Village Kahlwanto Village Navi Kirri on Batala-Harchowal Road District Gurdaspur'. He was selected in the draw of lots, however, respondent has rejected his candidature on the ground that he has offered Khasra No. 102 in his application which does not



fall within the advertised site, thus, he is not eligible for allotment. He, in his application, disclosed Khasra No. 102 and he is owner of Khasra No. 98 as well as 102. Khasra Nos. 98 and 102 are contiguous and if Khasra No. 98 is considered, he falls within zone of consideration.

3. Mr. Sachin Ohri, Advocate submits that inadvertently the petitioner in his application mentioned Khasra No. 102. He is owner of Khasra No. 98 as well as 102. He was under the impression that Khasra No. 102 is on front side, thus, he mentioned said Khasra number in his application. It is an error and respondent has adopted hyper- technical approach while rejecting his application.

In support of his contention, Mr. Sachin Ohri, Advocate cited judgment of the Patna High Court in **Priya Kumari vs. Indian Oil Corporation Limited through its Chairman cum Managing Director and others 2020 SCC OnLine Pat. 1346**

4. Per contra, Mr. Raman Sharma, Advocate submits that concededly, the petitioner has disclosed Khasra No. 102 in his application, thus, his case was considered in the light of land offered. Said Khasra number does not fall within the advertised site, thus, respondent has rejected his application. He may be right in his contention that he is owner of Khasra Nos. 98 as well as 102 and by mistake has mentioned Khasra No. 102 in his application, however, it is a non-rectifiable mistake as per terms and conditions of the Brochure, thus, his claim cannot be considered.

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

6. Concededly, the petitioner offered Khasra No. 102 in his application and said Khasra number does not fall within the advertised site.



The petitioner claims that he is owner of Khasra Nos. 98 as well as 102 and by mistake he has offered Khasra No. 102. The respondent-Corporation in the Brochure has mentioned rectifiable as well as non-rectifiable mistakes. In the Brochure, it has been further provided that once application form is submitted and PDF copy is generated, details cannot be edited. Non-rectifiable mistakes include correction in Khasra, khatouni, Gut, Survey number of offered land. As per petitioner, he has committed mistake while jotting down Khasra number in his application. It may be a mistake and it may further be a non-intentional mistake, however, this Court in view of specific terms and conditions of the Brochure cannot ask respondent to ignore its Brochure and permit the petitioner to rectify his mistake.

The judgment cited by petitioner is not applicable in the case in hand. In the said case, there was no mistake in the application form though there was mistake in the lease deed which cannot be equated with the mistake in application form.

7. In view of the above discussion and findings, the instant petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

28.05.2024
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Whether speaking/reasoned:	Yes	
Whether reportable:		No