

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15106-2019
Date of Decision: 23.04.2024

SANJAY KUMAR ...Petitioner
Versus
INDIAN OIL CORPORATION LTD & ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Surinder Garg, 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 Constitution of India is seeking setting aside of communication dated 04.05.2019(Annexure P-9) whereby his candidature for the allotment of RO Dealership under OBC category has been rejected.
2. The petitioner pursuant to an advertisement applied for allotment of RO Dealership, at Sector-89, Gurugram under OBC category. He was selected in the draw of lots. For the purpose of evaluation of offered land, Land Evaluation Committee of respondent visited the site on 15.04.2019. However, neither petitioner nor his representative was present at the site. The members of the Committee on 15th and 17th April, 2019 called him on his mobile phone and he confirmed that he is available on 18.04.2019 at 11:00 AM. However, he did not appear at the offered site on

18.04.2019. The said Committee again rescheduled its visit. The petitioner telephonically confirmed that he is available on 03.05.2019, thus, visit was rescheduled for 03.05.2019. By e-mail dated 01.05.2019, the petitioner informed the respondent that he is not available on the said date. The respondent vide impugned communication has cancelled his candidature.

3. Mr. Surinder Garg, Advocate submits that petitioner was very much interested for the allotment of RO Dealership. The respondent itself cancelled the visit on 15.04.2019. With respect to visit dated 03.05.2019, he, by email dated 01.05.2019 informed the respondents that he is not available on the said date still respondent conducted verification and rejected his candidature on the ground of non-availability.

4. Per contra, Mr. Ashish Kapoor, Advocate submits that members of Committee visited the offered site on 15.04.2019. Neither petitioner nor his representative was available, thus, a system generated e-mail was sent to him whereby he was informed that visit has been cancelled and next date of visit is 03.05.2019. In the meantime, the petitioner confirmed his availability on 18.04.2019. The members of Committee visited the site on 18.04.2019, however, neither petitioner nor his representative came forward. As agreed by petitioner, the next visit was scheduled for 03.05.2019, however, petitioner did not come forward on the said date rather he sent e-mail dated 01.05.2019 disclosing that he is away from the city, thus, he would not be able to be present. The petitioner was categorically informed that this is last opportunity and he would not be granted further opportunity still he opted to remain absent. Had he been interested, he would have deputed someone on his behalf.

5. I have heard learned counsel for the parties and perused the record with their able assistance.
6. From the perusal on record, it is evident that Land Evaluation Committee fixed 15.04.2019 for its visit. Members visited the site, however, petitioner was not available. He is trying to claim that visit was cancelled by respondent. The petitioner is not claiming that he visited the site on 15.04.2019 whereas he is trying to take benefit of system generated e-mail whereby respondent has informed him that visit has been cancelled and rescheduled date is 03.05.2019. He has not placed on record any evidence contrary to averment of the respondent that in the meantime visit was rescheduled for 18.04.2019, but, petitioner did not come forward. He was given another opportunity. The Committee rescheduled its visit for 03.05.2019. The petitioner vide email dated 01.05.2019 informed the respondent that he would not be available at site on 03.05.2019. It is a case of allotment of RO Dealership. The petitioner could appoint his representative. The respondent gave reasonable opportunities to petitioner, however, he intentionally or unintentionally avoided the visit of respondents. The respondent has further allotted dealership on 23.03.2021 to another candidate.
7. In the wake of above discussion and findings this Court finds that the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

23.04.2024
himanshu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No