



CWP-12535-2024

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

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CWP-12535-2024

Date of decision: 27.05.2024

RAVINDER KUMAR

...PETITIONER

Vs.

INDIA OIL CORPORATION LIMITED AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vijay Pal, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 10.05.2024 (Annexure P-18) whereby his claim on the ground of non submission of Appendix III has been rejected.

2. The petitioner was selected in draw of lots. He submitted documents and offered land. There was deficiency in the land offered by him. The respondent in terms of brochure asked him to submit correct set of documents. He was required to submit consent in the form of Appendix III from co-owners of the land which he had offered. The brochure specifically provides that consent form of co-owners cannot be of a later date than the date of filing original application.



3. The petitioner had filed application on 19.09.2023, thus, Appendix III could not be of a date later than 19.09.2023. The petitioner, by mistake or otherwise, submitted consent form of co-owners on 24.01.2024, however, the consent form of co-owners was bearing date 24.01.2024. The documents were uploaded on the portal. On the available link, the petitioner could upload the documents only once and had no opportunity to correct his mistake. Realizing his mistake, through e-mail he sent another set of Appendix III which was dated 05.09.2023, 12.09.2023 and 18.09.2023. Meaning thereby, all the forms were of date prior to the date of filing application.

4. Mr. Vijay Pal, Advocate submits that at the first instance, by mistake on 24.01.2024, the documents were uploaded of 24.01.2024. Realizing his mistake, the petitioner sent correct set of documents through E-mail, however, respondent did not accept. The link supplied by respondent could be opened only once, thus, there was no possibility to upload correct set of documents on portal and petitioner submitted correct set of documents through email. It was a mistake which ought to be permitted to be corrected.

5. Notice of motion.

6. Mr. Ashish Kapoor, Advocate, who on advance notice is present in Court, accepts notice on behalf of respondents and waives service.

7. With the consent of both the parties, the matter is taken up today itself for final disposal.

8. Learned counsel for respondents submits that it is factually correct that link can be opened only once. Thus, documents can be uploaded only once. It is a conscious decision of the Corporation. Every applicant is bound to file documents carefully and cautiously. The petitioner could not file Appendix III of

a date post the date of application i.e. 19.09.2023. He, however, uploaded



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Appendix III bearing date 24.01.2024. Appendix III bearing date, post date of application is a non rectifiable mistake.

9. I have heard the arguments of learned counsel for the parties and perused the record.

10. Concededly, the petitioner on 24.01.2024, pursuant to direction of respondents uploaded documents which included Appendix III i.e. consent of co-owners. It was mandatory to obtain consent form of co-owners of date on or before the date of application. The date of submission of application of petitioner was 19.09.2023. Thus, consent form of co-owners would be at the most of 19.09.2023. Any consent form bearing date post 19.09.2023 was invalid.

11. The respondent had developed a mechanism whereunder, the link can be opened only once and documents can be uploaded only once. There is no opportunity to upload documents on subsequent date. Meaning thereby, if there is mistake which is non rectifiable, it cannot be subsequently rectified. The petitioner uploaded Appendix III which was not bearing date of or before the date of application and any mistake in Appendix III is a non rectifiable mistake.

12. The parties are bound by terms and conditions of brochure. This Court cannot ask the Corporation to act contrary to instructions of the brochure. As there is no substance in the arguments of the petitioner, this Court is of the considered opinion that the present petition deserves to be dismissed and accordingly dismissed.

27.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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