

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

2024:PHHC:118243-DB



(110)

**LPA-1717-2024 (O&M)**  
**Date of Decision: 09.09.2024**  
--Appellant

Mam Chand

Versus

Union of India & others

--Respondents

**CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA.**  
**HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.**

Present:- Mr. Garvit Mittal, Advocate for  
Mr. Ravinder Malik (Ravi), Advocate for the appellant.

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**G.S. SANDHAWALIA.J (Oral)**

**CM-4065-LPA-2024**

This is an application praying for condonation of delay of 06 days that has occurred in filing the accompanying appeal.

Keeping in view the fact that delay is nominal, application is allowed. Delay of 06 days in filing the appeal is condoned.

CM stands disposed of.

**Main Appeal**

1. The challenge in the present appeal is to the judgment dated 07.05.2024 passed by the learned Single Judge in CWP-3489-2024, whereby petition has been dismissed on account of the fact that mismatch/incorrect PAN is a non-rectifiable deficiency.

2. Learned Single Judge on the basis of above fact and in view of Clause 23 of the Brochure of 2023 chose not to interfere with the rejection order dated 08.01.2024 (Annexure P-9) which is subject matter of challenge in the writ petition. The appellant herein was an applicant for the Retail

Outlet Dealership at Village Ranjitpur under SC category.

3. During the course of arguments, it transpires that the said Retial Outlet Dealership has been allotted during pendency of the writ petition to some another applicant. Apparently the said applicant is not a party here and in such circumstances, in his absence, once he has invested substantial amount for no fault of him, it would not be prudent to interfere with the decision taken by the Corporation, which is based on the terms of the Brochure. The settled principle as also the reasoning given by learned Single Judge are that since the terms of Brochure are not subject matter of challenge, therefore, parties cannot act contrary to the same and secondly it would be binding upon all applicants and would have force of law in the absence of any challenge.

4. Under such circumstances, we are of the considered opinion that for the mistake of the appellant which might be inadvertent, the successful applicant cannot be made to suffer for this disadvantage.

5. In view of the above, the present appeal is, accordingly, dismissed.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**09.09.2024**  
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**(MEENAKSHI I. MEHTA)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |