

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

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**2024:PHHC:027741
CWP No.17911 of 2018(O&M)
Date of Decision:28.02.2024**

Deepika

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Parminder Singh, Advocate
for the petitioner

Mr. Narinder Kumar Vashist, Senior Panel Counsel
for the Union of India

Mr. Ashish Kapoor, Advocate
for respondents No. 2 and 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 14.05.2018 (Annexure P-19) whereby candidature of the petitioner for allotment of LPG Distributorship has been cancelled.

2. The petitioner pursuant to an advertisement dated 20.11.2013 applied for LPG Distributorship. There were 18 candidates and 07 were found eligible for draw of lots. Four candidates withdrew their candidature before draw of lots. The petitioner came to be selected and Letter of Intent was issued in her favour. The Indian Oil Corporation Limited (in short "Respondent-Corporation") has cancelled Letter of Intent on the ground that

two persons namely Ajay Kumar and Raj Kumar have filed complaint dated 21.01.2018 complaining that they have neither furnished No Objection Certificate nor demarcation plan has been signed by them for the land offered by the petitioner for godown as well as showroom.

3. Mr. Parminder Singh, Advocate, submits that petitioner had filed registered lease deed, thus, subsequent letter/complaint by co-owners of the offered land could not be relied upon. The Respondent-Corporation was bound to grant opportunity to offer alternative land. The brochure followed by guidelines of the Respondent-Corporation permits to offer alternative land. The question of alternative land arises only if original offered land is rejected. The petitioner is ready to offer alternative land and her case needs to be re-considered.

4. Per contra, Mr. Ashish Kapoor, Advocate, submits that Respondent-Corporation has recorded statement of Ajay Kumar and Raj Kumar who had filed complaint to the effect that they have not signed lease deed as well as demarcation plan. They have averred even to the extent that their signatures have been forged. The alternative land offered by petitioner cannot be considered because it was not registered in favour of the petitioner at the time of filing application.

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

6. From the perusal of record and arguments of both sides, it comes out that as per petitioner, she had offered registered lease deed which was duly signed by all the co-owners and two co-owners have resiled at a

later stage, thus, she cannot be denied distributorship and at least, she deserves another opportunity to offer alternative land. As per Respondent-Corporation, the co-owners have filed written complaint and further made a statement before authorities to the effect that they have never signed lease deed as well as demarcation plan. These questions are purely disputed questions of fact which cannot be adjudicated by this Court. There is need to examine evidence led by both sides and said exercise can only be carried out by Civil Court and not by this Court while exercising writ jurisdiction under Articles 226/227 of the Constitution of India.

7. The alternative argument of the petitioner that she should be given an opportunity to offer alternative land needs to be examined in the light of brochure and guidelines issued by Respondent-Corporation. Accordingly, the petitioner is at liberty to approach the Respondent-Corporation who would look into her representation and do the needful. If the petitioner approaches the Respondent-Corporation, it would decide her representation expeditiously.

8. In view of the above facts and findings, the petition stands disposed of.

9. Pending misc. application, if any, shall also stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

28.02.2024

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Whether speaking/reasoned:	Yes	
Whether reportable:		No