

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

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**2024:PHHC:009201
CWP No.29042 of 2023
Date of Decision:24.01.2024**

Soma Rani

....Petitioner

VS.

Bharat Petroleum Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Surender Garg, Advocate
for the petitioner

Mr. Raman Sharma, Advocate
for the respondent-Corporation

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 17.11.2021 (Annexure P-5) whereby Bharat Petroleum Corporation Limited (in short "the Corporation") has withdrawn Letter of Intent issued in favour of the petitioner.

2. The petitioner participated in the selection process for allotment of Retail Outlet dealership. The petitioner, in the draw of lots, was declared successful. Letter of Intent dated 25.01.2020 was issued to the petitioner. The land offered by petitioner is jointly owned by more than one persons. One of the co-owners represented to the Corporation that he has not given his consent, thus, the Corporation may not allot petrol pump to the petitioner.

3. Mr. Surender Garg, Advocate submits that co-owner at the initial stage furnished his consent and at the belated stage, he has withdrawn his consent. The Corporation cannot cancel Letter of Intent because at the time of filing application, the consent was valid and genuine.

4. Per contra, Mr. Raman Sharma, Advocate submits that co-owner in his complaint has stated that document furnished by petitioner is forged and fabricated, thus, Corporation was bound to consider complaint of the co-owner. As there is objection by a co-owner, the Corporation has rightly cancelled Letter of Intent.

5. As per petitioner, consent by way of affidavit furnished by co-owner was genuine and he at a belated stage resiled from his statement whereas as per co-owner, he has never furnished consent and document furnished by petitioner is a forged document.

6. In view of disputed question of facts, this Court cannot ask the Corporation to allot Retail Outlet to the petitioner. As disputed question of facts are involved, remedy of writ is not an appropriate remedy. The petition stands disposed of with liberty to petitioner to avail remedies as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

24.01.2024
paramjit

Whether speaking/reasoned: No
Whether reportable: No