

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14483 of 2018

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Manoj Prasad Singh Son of Late Chhotey Lal Prasad, Resident of Village-Gopalbad, P.S.-Sarmera, District-Nalanda.

... .. Petitioner/s

Versus

1. The Union Of India through its Secretary, Petroleum Department, Government of India, New Delhi
2. The Chief Regional Manager, Hindustan Petroleum Corporation Limited, Regional Office at 6th Floor Lok Nayak Jai Prakash Narayan Bhawan, Dak Bunglow Chowk, Patna - 1
3. The District Magistrate, Nalanda.
4. The Registering Officer, Registry Office, Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar, Advocate
For the UOI	:	Ms. Kanak Verma, CGC
For the State	:	Mr. Arvind Ujjwal- SC 4
For the HPCL	:	Mr. Neeraj Kumar Gupta, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 18-07-2025

1. The petitioner has filed the instant application for the following reliefs:

“ For issuance of a writ(s) in the nature of certiorari or any appropriate writ/s, order/orders, direction or directions commanding the respondents for a direction to the respondents to rectify the date of presentation of lease deed No. 10941 Sl. 11145 in Book No.1, Volume No. 178 in CD No. 28/2017 of Circle Harnaut in place of 24-11-2017 it should be 12.8.2017.



The petitioner had purchased stamp on 11.8.2017 in Token No. 7793/2017 and filed/produced for registration on 12.8.2017, which is evident from Memo of presentation of document but the respondent had wrongly or inadvertently recorded presentation dated 24.11.2017 and as a result of which he could not get Award of LPG Gramin Vitrak at Location Poari Nalanda."

2. In nutshell, the contents of the Writ petition are that the petitioner made an application vide Serial No. HPC12605397514082017, pursuant to Advertisement dated 18.06.2017 for appointment as LPG Gramin Vitrak at Location - Poari, District Nalanda under the "OP" Category. Pursuant to the aforesaid advertisement, a draw of lots was conducted for the said location on 17.11.2017 wherein the petitioner was declared the winner. Later, the petitioner was advised vide letter dated 18.11.2017 to submit necessary documents for verification of the proposed land for LPG Godown and other credentials.



3. It is submitted by the petitioner that on 5.5.2018, he was informed by the Chief Regional Manager, Hindustan Petroleum Corporation Limited regarding the cancellation of his candidature and that the amount of Rs. 40,000/- deposited by the petitioner before the FVC was forfeited on the following ground

“That through necessary Fee towards Registration of Lease Deed was deposited on 11.08.2017 but the document of Lease Deed No. 10941 bearing Serial No. 11145 was virtually registered on 24.11.2017, which is after the last date of submission of application.”

4. The Learned counsel for the petitioner submitted that the petitioner did not own sufficient land in the locality where the LPG outlet was to be established and, therefore, opted to take land on lease from one Bijendra Prasad of village All Nagar, P.O. Poari, P.S. Harnaut, District Nalanda, measuring 16.75 decimals in Khata No. 691, Plot No. 427, Thana No. 238. For this purpose, stamp duty of ₹5,000/- was purchased by the petitioner



on 11.08.2017, the lease deed was typed, and both parties executed it on 12.08.2017. The deed was presented for registration on the same day. It is further submitted that due to a reported link failure at the Registry Office, the registration could not be completed on 12.08.2017. Despite repeated visits, the lease deed was ultimately registered only on 24.11.2017.

5. It is submitted that later he noticed the date of presentation in the registered lease deed was incorrectly recorded as 24.11.2017 instead of the actual date, i.e., 12.08.2017. Despite repeated representations, no relief was granted by the respondents.

6. It was lastly submitted that the petitioner had obtained the lease in good faith and had fulfilled all necessary conditions. However, due to the error and delay at the Registry Office and the fault of the respondents, he was deprived of the issuance of the Letter of Intent (L.O.I.) despite being duly selected.

7. Per contra, the Learned counsel for the



respondents HPCL submitted that, from a perusal of Annexure-6 it appears that there is no irregularity or error in the decision of the respondents in not granting the Letter of Intent to the petitioner. For better appreciation of the case, the relevant part of the Annexure-6, is reiterated as follows:

“Please be informed, while verifying your credential related to proposed land for LPG Godown at Khata No.691, Khesra No.427 in Mauza - Poari, Block - Harnaut, District - Nalanda, following discrepancy was observed:

THAT though necessary Fee towards Registration of Lease Deed was deposited on 11/08/2017 but the document of Lease Deed No.10941 bearing Serial No.11145 was virtually registered on 24/11/2017, which is after the last date of submission of application.

We narrate hereunder the Eligibility criteria for proposed land for LPG godown, as defined in Advertisement and Brochure on Unified Guidelines for Selection of LPG Distributors - June, 2017:-

QUOTE:



Applicant should "OWN" a plot of land of Capacity, minimum dimensions and located as specified for construction of LPG Godown Or 'OWN' a ready LPG cylinder storage godown as on the last date for submission of application as specified in the advertisement or corrigendum (if any)

"OR"

Applicant should have "Registered Lease Deed", for the proposed plot of land for construction of LPG godown, with a valid Lease period of minimum 15 years commencing on any day from the date of advertisement up to the last date of submission of application as specified either in the advertisement or corrigendum (if any) Please note, as per the Clauses stipulated in Unified Guidelines for Selection of LPG Distributors of June, 2017, your title on leased land, as on the date (14/08/2017) of submission of your application, does not hold good. Under the prescribed guidelines, an opportunity was also offered to you to produce any alternate land documents for the purpose, either OWNED or LEASED, but you vide your letter dt.28/12/2017, confirmed of having no such suitable plot of land for godown available with you.



As mentioned in the foregoing paragraph, since you do not have a suitable plot of land for LPG Godown basis the criteria stipulated in the Unified Guidelines for Selection of LPG Distributors - June 2017, your candidature for Locsation Poari, District Nalanda under "OP" category hereby stands cancelled."

8. The Learned counsel for the respondents submitted that the issue involved in the present case, i.e., the non-compliance by the applicants with the terms and conditions of the advertisement, the brochure, and the requirement of documents as per the settled guidelines, has already been set at rest by a catena of decisions rendered by this Hon'ble High Court. It was contended that, in view of such non-compliance, the respondent Corporation is under no legal obligation to issue the Letters of Intent.

9. In support of the case of the respondent Corporation, the Learned counsel has relied on the following judgments of the Division Bench of this Court reported in (1) **2012 (2) PLJR**



783 (M/s Indian Oil Corporation Limited Vs. Raj Kumar Jha & ors), (2) 2019(3) PLJR 1042 (The Indian Oil Corporation & Ors. Vs. The Rupesh Kumar Verma) and order passed in LPA No. 925 of 2012 (Mukesh Pandey Vs. The Hindustan Petroleum Corporation & Ors.).

10. For better appreciation of the case, the observations made by the Hon'ble Division Bench in **M/s Indian Oil Corporation Limited (supra)** are quoted hereinbelow:

“8. We are of the opinion that the Corporation being the State within the meaning of Article 12 of the Constitution is supposed to act fairly, reasonably and uniformly and has to be objective in its approach. Once the standard is set out in the advertisement, the Corporation has to adhere to the said standard without any variation. In case, the Corporation allows any alteration the same will amount to subjective approach which is frowned upon by the Courts time and again. To remain objective the Corporation is required to adhere to the standards mentioned in the advertisement. In the present case, it is



not in dispute that the application made by the writ petitioner was not in conformation with the requirements mentioned in the advertisement. In our opinion, the Corporation was justified in rejecting the application of the writ petitioner.

9. *The learned Single Judge ought not to have interfered with the decision of the Corporation which was taken in consonance with the terms and conditions contained in the advertisement. Besides; may be, in the present case it was a mere typographical error. However, there might be a case of mischief or misrepresentation also. It is difficult to draw a line where an error ends and a mischief or misrepresentation begins. The best way to avoid discrimination is strict adherence to the standards mentioned in the advertisement. For the aforesaid reasons we hold that the Corporation was justified in rejecting the application of the writ petitioner. The Appeal is allowed. The impugned judgment and order dated 28th January, 2010 passed by the learned Single Judge in CWJC No. 13196 of 2009 is set aside. CWJC No. 13196 is*



dismissed."

11. Further the Hon'ble Division Bench of this Court in **The Indian Oil Corporation & Ors. (supra)** has held as follows:

"We have considered the submissions raised and we find that the advertisement categorically prescribes that a candidate would be rendered ineligible if the information given amounts to withholding or concealing any fact or tendering of an incorrect information or a false information that would result in affecting the eligibility of the candidate. The three categories which have been specifically provided have, therefore, to be read as indicated therein and, in our considered opinion, any incorrect information would affect the eligibility of a candidate. In the instant case, it is admitted on record that the information given by the respondent-petitioner with regard to the plot of the land and khata number in the application form was an incorrect information and was, therefore, a wrong information. The plot number and the khata number was 123 and 356



respectively. This mistake was accepted by the respondent-petitioner himself when he tendered the rectification deed on 12th of June, 2018 long after the expiry of the last date of the application form. There is a substantial variation in the number of khata and the plot that was subsequently tendered as Khata No. 300 with Plot No. 122 and the same, in our opinion, is not such an error which can be termed as a typographical error at least in the application form of the respondent-petitioner. The error may have occurred in the deed for which the respondent-petitioner is clearly responsible and this stands admitted by him in view of the rectification deed tendered later on. Consequently, the information as contained in the application form and the deed which was filed along with the same palpably gave an incorrect information with regard to the khata and the plot number. This therefore disentitled the respondent-petitioner from being treated as an eligible candidate. The conclusion drawn by the learned Single Judge bereft of these facts therefore cannot stand the scrutiny of law. Shri K. D. Chatterji,



learned Senior Counsel for the appellants is, therefore, correct in his submission that the Division Bench Judgement as relied upon by the appellants in the case of Indian Oil Corporation Ltd. v. Raj Kumar Jha (supra) squarely applies on the facts of the present case."

12. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

13. In light of the legal proposition laid down in the aforesaid judgments, this Court is of the considered view that once a standard is set out in the advertisement, the Corporation is bound to adhere to the said standard without any variation. In case if the Corporation permits any alteration, it would amount to a subjective approach, which has been disapproved by the Courts time and again. In the present case, the petitioner through his application form, offered unsuitable land for LPG Godown based on the selection criteria stipulated in the Unified Guidelines for Selection of LPG



Distributors - June 2017, which was rightly cancelled by the respondents.

14. Therefore, the petitioner cannot claim any right for consideration of his application. This Court finds no error or irregularity in the decision of the respondents in not granting the Letter of Intent to the petitioner.

15. In view of the above discussion, the Writ petition is liable to be dismissed, as it is devoid of merits.

16. In result, Writ petition is dismissed.

17. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2025
Transmission Date	

