

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.219 of 2022

In

Civil Writ Jurisdiction Case No.23654 of 2019

=====

Guriya Kumari W/o- Chandan Kumar Ram, R/o- Village- Kajri Bujurg,
Block- Jandaha, P.S.- Jandaha, District- Vaishali.

... .. Appellant/s

Versus

1. Indian Oil Corporation Limited through its Chairman, J.B. Titto Marg, Sadik Nagar, New Delhi.
2. The Chairman, Indian Oil Corporation Limited, J.B. Titto Marg, Sadik Nagar, New Delhi.
3. The Director Marketing, Indian Oil Corporation Limited, G- 9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051.
4. The Chief Area Manager, Begusarai Area Office, Indian Oil Corporation Limited (M.D.), Indane Area Office, Begusarai, P.O.- Barauni Oil Refinery, Begusarai, Pin Code- 851114.
5. The Assistant Manager, (LPG-S), Indian Oil Corporation Limited, Darbhanga.
6. Smt. Rani Kumari wife of Dharmbir Paswan, resident of Mauje Jainagar, Ward No. 06, P.O. Jainagar, P.S. Jainagar, District Madhubani.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Siddhartha Prasad, Advocate
Mr. Om Prakash, Advocate

For the Respondent/s (IOCL) : Mr. K.D. Chatterjee, Sr. Advocate
Mr. Amlesh Kumar Verma, Advocate

For Resp. No. 6 : Mr. Neeraj Kumar Gupta, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-05-2025



Re : I.A. No. 1 of 2024

Heard I.A. No. 1 of 2024 filed for condonation of delay of about 99 days in filing the present LPA No. 219 of 2022.

2. For the reasons stated in the application read with the affidavit and in the interest in the litigant, delay of about 99 days in filing the present LPA No. 219 of 2022 is condoned. I.A. No. 1 of 2024 stands allowed.

3. With the consent of the learned counsel for the respective parties, matter is taken up for final disposal.

4. Appellant – *Guriya Kumari* is a candidate for LPG distributorship pursuant to the Advertisement dated 17.06.2017. She had submitted application on 10.08.2017. She has offered a land for godown and it is leased out to her for a period of 15 years from 04.08.2017, the date of execution of registration of lease of agreement by one *Sri. Santosh Chaudhary*. In the lease deed dated 04.08.2017, Clause 1 reads as under :

"1. यह कि यह लीज एग्रीमेंट 15 वर्षों के लिए होगा जो द्वितीय पक्ष को इन्डियन ऑयल कारपोरेशन लिमिटेड कम्पनी द्वारा वितरक नियुक्ति के दिन से चालू होगा तथा 15 वर्षों तक चलेगा।"

This is contrary to Clause 4 of the Advertisement. Resultantly, appellant proceeded to rectify the lease deed on 14.05.2019 insofar as rectifying Clause 1 of the lease deed dated



04.08.2017 on 14.05.2019. In this backdrop, the respondents – Indian Oil Corporation Limited (in short ‘Corporation’) rejected her application to participate in the process of selection of LPG distributorship at the cited location. Feeling aggrieved by the decision of the respondent - Corporation, appellant invoked remedy in filing writ petition and it was numbered as CWJC No. 23654 of 2019 and it was dismissed on 24.12.2021, resultantly, present LPA No. 219 of 2022 is presented.

5. Learned counsel for the appellant submitted that rectification of deed dated 14.05.2019 relates back to 04.08.2017, the same has not been appreciated by the learned Single Judge. In support of the aforementioned contentions, learned counsel for the appellant relied on two decisions *namely Meena Jaiswal vs. Indian Oil Corporation Ltd. in Writ – C No. - 12304 of 2021* of the Allahabad High Court and *Mrs. Sannjana R. Amberkar vs. Union of India and another in Writ Petition No. 39672 of 2014 (GM-RES)* of the Karnataka High Court. The aforementioned decisions is in respect of rectification of lease deed is permissible even after last date of submission of application. In the present case, last date of submission of application being 14.08.2017 and rectification has been undertaken by the appellant on 14.05.2019 insofar as lease deed dated 04.08.2017. To this extent, the learned



Single Judge has committed error, therefore, order of the learned Single Judge dated 24.12.2021 is liable to be set aside while allowing CWJC No. 23654 of 2019.

6. *Per contra*, learned counsel for the respondent – Corporation submitted that rectification deed cannot result in extension of last date of submission of application. In the present case, last date of submission of application is being 14.08.2017, whereas the rectification deed is 14.05.2019 in respect of lease deed dated 04.08.2017.

7. In support of the aforementioned contention, learned counsel for the respondents relied on the Hon'ble Supreme Court's decision passed in **Civil Appeal No. 6119 of 2021** arising out of **SLP (C) No. 36767 of 2016** in the case of **Anapurna Jaiswal vs. Indian Oil Corporation Ltd and Others**. It is submitted that identical Clause has been interpreted by the Hon'ble Supreme Court to the extent that rectification cannot extend last date of submission of application.

8. Heard learned counsels for the respective parties.

9. Appellant was a candidate for selection to the dealership of the LPG. She had filed application on 10.08.2017 while furnishing lease deed of a piece of land for the purpose of godown dated 04.08.2017. We have noticed that there is an error in



Clause 1 of the lease deed dated 04.08.2017. In order to overcome Clause 1, appellant proceeded to rectify the same by means of rectification deed on 14.05.2019 to contend that it will be effective from 04.08.2017. Such logic cannot be acceptable in the present case for the reasons that indirectly we are modifying the Clauses imposed in the Advertisement, in particularly, fixation of last date of submission of application. In other words, the object of fixing of the last date of submission of application is to see that candidate must fulfill all the relevant criteria for the purpose of participating in the process of selection of LPG distributorship. The same has been taken note of by the Hon'ble Supreme Court in the case of **Anapurna Jaiswal** cited *supra*.

10. Having regard to the Hon'ble Supreme Court decision and the fact that judicial forum cannot extend the last date of submission of application and it is a policy decision of the Corporation and there is object behind fixing the last date of submission of application, the appellant's grievance is to the extent that the last date of submission of application in the light of lease deed dated 04.08.2017 read with 14.05.2019, therefore, cited decisions on behalf of the appellant in the cases of **Meena Jaiswal** and **Mrs. Sannjana R. Amberkar** (cited *supra*) are not assisting the appellant. In the light of these facts and circumstances, the



appellant has not made out a case so as to interfere with the Single Judge order passed in CWJC No. 23654 of 2019. Accordingly, LPA No. 219 of 2022 stands dismissed.

10. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2025
Transmission Date	NA

