

LPA-407-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-407-2019 (O&M)

Date of Decision :12.11.2025

Sunil Kumar Boria

...Appellant

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Parminder Singh, Advocate for the appellant.

Mr. Vipul Aggarwal, Sr. Panel Counsel
for respondent No.1-UOI.

Mr. Ashish Kapoor, Advocate and Mr. M.S. Rana, Advocate
for respondents No.2 & 3.

Mr. Deepak Girotra, Advocate
for Mr. Prajjwal Jaiswal, Advocate
for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present appeal, the challenge is to order dated 17.09.2018 passed by the learned Single Judge of this Court in CWP-10183-2017 wherein order dated 23.03.2017 (Annexure P/7) has been affirmed by which, the cancellation of allotment of LPG distributorship of the appellant at Baragaon, District Karnal has been upheld on the ground that the appellant failed to meet the prescribed eligibility criteria as per advertisement dated 20.11.2013.

2. Learned counsel for the appellant argues that the order dated 23.03.2017 (Annexure P/7) passed by respondent No.2-Indian Oil Corporation Ltd. by which, the candidature of the appellant for allotment of

distributorship of LPG gas was cancelled, has not been appreciated by the learned Single Judge of this Court in a correct perspective. As per the instructions dated 15.04.2015, issued by the Government of India, the candidates were allowed an opportunity to offer an alternative land and the guidelines should be made flexible. Learned counsel for the appellant submits that the said instructions dated 15.04.2015 should have been made applicable upon the appellant as well whereas, the learned Single Judge of this Court has not appreciated the said fact in a correct perspective.

3. Learned counsel for the respondents submits that once, the condition of eligibility as prescribed in the advertisement dated 20.11.2013 was required to be fulfilled up to the last date of submission of application i.e. 20.12.2013, the eligibility has to be examined with reference to that date and it is a conceded position that there was no valid registered lease deed in favour of the appellant on that date. The appellant had submitted notarized lease deed dated 14.12.2013 of the land which was not registered deed. Learned counsel for the respondents further submits that the Instructions dated 15.04.2015 are prospective in nature and cannot be made applicable to the applications which had already been called and the last date had already expired upto the date of issuance of instruction dated 15.04.2015.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, the eligibility is to be examined as per the advertisement dated 20.11.2013, according to which, the candidates making an application were to fulfill the eligibility provided in the advertisement upto 20.12.2013 and concededly the appellant did not fulfill all the requisite conditions

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provided in the advertisement hence, the claim of eligibility by seeking relaxation has rightly been declined by the learned Single Judge of this Court.

6. Learned counsel for the appellant has argued that as per the letter dated 15.04.2015, the candidate was to be given another opportunity to offer an alternative land and in case the same is made applicable, the appellant will become eligible.

7. It may be noticed that the said instructions are prospective in nature and cannot be applied retrospectively in the present case at hand. The claim that the condition of providing a suitable land should be relaxed, cannot be accepted as the same is the essential requirement to seek the eligibility for allotment of LPG distributorship.

8. Learned counsel for the appellant has not been able to prove that the impugned judgment dated 17.09.2018 passed by the learned Single Judge of this Court is perverse either on facts or settled principle of law hence, no ground for interference by this Court is made out and the present appeal is accordingly dismissed.

9. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

November 12, 2025

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Whether speaking/reasoned : Yes

Whether reportable : No