
(2008) 04 P&H CK 0101
In the Punjab And Haryana At Chandigarh

Jitender Kataria

APPELLANT

Vs

Hindustan Petroleum Corporation Limited

RESPONDENT

Date of Decision : 03-04-2008

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2008) 3 PLR 212

Hon'ble Judges : Sabina, J;M.M. Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The instant petition is directed against order dated 12.7.2007 (P-5), passed by the respondent Corporation withdrawing the letter of intent issued to the petitioner on 25.9.2006 (P-4), for retail outlet dealership at village Tumasara, District Faridabad, under Scheduled Caste category. The basic reason for withdrawing the letter of intent is that the respondent Corporation had received a complaint dated 3.10.2006 from Shri Vinit Paruthi, M/s Parutlii Road Line Pvt. Ltd., alleging that the petitioner had submitted a false affidavit for tie up volume to purchase High Speed Diesel. The affidavit of Shri Vinit Paruthi (P-6), was found to be fabricated and false. Accordingly, selection of the petitioner for allotment of retail outlet dealership was cancelled and letter of intent was withdrawn.

2. Mr. R.M. Singh, learned Counsel for the petitioner has referred to the averments made in para 7 of the writ petition asserting that the petitioner has never been associated with the inquiry held by the respondent in which it has been concluded that the petitioner has filed a false and fabricated affidavit of Shri Vinit Paruthi for tie up volume from M/s Paruthi Road Line Pvt. Ltd.

3. According to the learned Counsel, the principles of natural justice would require that the petitioner before being subjected to any adverse action should have been granted an opportunity of hearing after issuance of a show cause

notice. Learned Counsel has maintained that non-compliance of principles of natural justice before passing the impugned order, which has resulted into civil consequences, would amount to violation of Article 14 of the Constitution.

4. Mr. J.S. Toor, learned Counsel for the respondent Corporation, however, has submitted that in preliminary objection No. 1 a categorical stand has been taken that Shri Vinit Paruthi has himself come forward with a complaint and he had stated that the petitioner has fabricated his affidavit. He filed a complaint on 3.10.2006. Learned Counsel has further pointed out that in the letter of intent, dated 25.9.2006 (P-4), it has been categorically mentioned that it is not to be construed as a "firm offer" of dealership and that the proposal made was to stand automatically withdrawn and cancelled if it was found that the petitioner has suppressed or misrepresented any material facts in his application.

5. After hearing learned Counsel for the parties, we are of the considered view that once the deponent Shri Vinit Paruthi himself come forward with the plea that his affidavit has been fabricated then it would amount to violation of the basic condition of eligibility. The aforesaid stand of the respondent taken in the written statement has not been controverted. Even at the hearing we asked learned Counsel for the petitioner that once the aforesaid averments stand accepted by the petitioner then how the petitioner is likely to prove that affidavit of Shri Vinit Paruthi sent by him with application was authentic and genuine. We also offered the petitioner to produce Shri Vinit Paruthi before us if he was so confident. The offer has not been accepted. Moreover, the letter of intent did not mean to constitute a firm offer of dealership to the petitioner. There was specific condition that if any fact is found to be suppressed or misrepresented in the application of the petitioner then the letter of intent was liable to be withdrawn. Accordingly, the respondent has rightly withdrawn the letter of intent.

6. We are further of the view that the principles of natural justice are not to be applied in mechanical manner. These principles cannot be applied to every situation and its application cannot be allowed to run wild. We are reminded of the observations of their Lordships of Hon'ble the Supreme Court in the case of Satyavir Singh and Others Vs. Union of India (UOI) and Others, , which reads thus:

Natural Justice must be confined within their proper limits and must not be allowed to run wild. The concept of natural justice is a magnificent thoroughbred on which this nation gallops forward towards its proclaimed and destined goal of justice, social, economic and political. This thoroughbred must not be allowed to run into a wild and unruly horse, careering off where it lists, unsaddling its rider and bursting Y into field where the sign "no pasaran" is put up.

7. Moreover, no right of the petitioner has been infringed because the "matter of intent" did not constitute a firm offer" of dealership to the petitioner. A large number of conditions for allotment of the retail outlet were incorporated which include condition No. 2.8(b), which reads as under:

This letter is merely a Letter of intent and is not to be construed as a "firm offer" of Dealership to you. The proposal made herein will stand automatically withdrawn and cancelled in any of the following events:

a) xxx.

b) If it is found that you have suppressed and/or misrepresented any material facts in your application.

x x x x The dealer ship in your favour will be confirmed/formalized by an appointment letter followed by the signing of our standard dealership Agreement after the facilities are made available and you are in possession to commence the operation of the Dealership.

Sd/- For Hindustan Petroleum Corporation Ltd. Senior Regional Manager Duly constituted Attorney.

8. On the basis that false and fabricated affidavit for tied up volumes of Shri Vinit Paruthi of M/s Paruthi Road Lines was filed. It is well settled that in cases where no right of an individual conferred by legislature or arising from common law is infringed then principles of natural justice do not apply. In that regard reliance may be placed on the view taken by Hon"ble the Supreme Court in the case of J.R. Vohra Vs. India Export House Pvt. Ltd. and Another, .

9. In view of the above, the writ petition fails and the same is dismissed.