
(2014) 07 MP CK 0108
In the Madhya Pradesh High Court
Case No : W.A. No. 610/2014

Ku. Soniya

APPELLANT

Vs

Hindustan Petroleum Corporation Limited

RESPONDENT

Date of Decision : 21-07-2014

Acts Referred:

Citation : (2014) 07 MP CK 0108

Hon'ble Judges : Shantanu Kemkar, J; M.C. Garg, J

Bench : Division Bench

Advocate : Vinay Zelawat, Learned Counsel, Advocate for the Appellant

Final Decision : Dismissed

Judgement

1. Heard.

2. This writ appeal has been preferred by the appellant aggrieved of the order passed by the learned Single Judge of this Court on 13.05.2014 while dismissing the writ petition No. 1198/2014, which writ petition was filed by the appellant aggrieved of the order dated 17.01.2014 passed by the first respondent whereby, dismissing his application for allotment of the petrol pump for the reason, that the candidature of the appellant was not found fit for the award of LPG distributorship in Dewas District-Dewas, under OBC category for the reason, that the appellant was not found fit to be eligible for the aforesaid purpose, as the lease for godown land issued in favour of the appellant was for less than 15 years as on the date of submission of the application.

3. The learned Single Judge while dismissing the writ petition of the appellant primarily agreeing with the submission of the first respondent that the lease in question was not valid for 15 years at the time of submission of the application as is required to be submitted on or before the last date of submission of the application form. The impugned order is reproduced here as under:-

The petitioner has filed this petition aggrieved by rejection of his candidature for

award of LPG dealership.

Learned counsel for the petitioner submits that a conjoint reading of the eligibility criteria as prescribed in Clause 6.1 (viii) of the Guidelines on Selection of Regular LPG Distributorship (Annexure P-5) with the note appended to the application form and Clause 9 of the General Instructions (Annexure P-7) would only mean that the applicant should be possessed of a lease of 15 years at the time of submission of application which is required to be submitted on or before the last date of submission of application form. This eligibility criteria was duly possessed by the petitioner, but the authority, by completely misinterpreting their own eligibility criteria, have rejected the petitioner's application.

The advertisement, admittedly, has been issued for award of dealership on the basis of Guidelines (Annexure P-5). The relevant criteria with regard to being possessed of leasehold rights, is as below:

"Own" means having ownership title of the property or registered lease agreement for minimum 15 years in the name of applicant/family member (as defined in multiple distribution norm of eligibility criteria) as on the last date for submission of application as specified in the advertisement or corrigendum (in any). In case of ownership/co-ownership by family member(s) as given above, consent in the form of a Notarized Affidavit from the family member(s) will be required.

In case the land is jointly owned by the applicant/member of "Family Unit" (as defined in multiple dealership/distributorship norm) with any other person(s) and the share of the land in the name of applicant/member of the "Family Unit" meets the requirement of land including the dimensions required, then that land for godown/showroom will also qualify for eligibility as own land subject to submission of "No Objection Certificate" in the form of a Notarized Affidavit from other owner(s).

The criteria states that the applicant should be possessed of registered lease agreement for minimum 15 years as on the last date for submission of application. The use of words "as on the last date for submission of application" clearly signifies that the period of 15 years has to be reckoned with effect from the last date for submission of form. Undisputedly, in the present case, last date for submission of application form was 8.10.2013. Therefore, the 15 years of lease must subsist at least till 8.10.2013 which may go even beyond that, but, in any case, it cannot be for a period which would expire before 8.10.2013.

In view of the above, I do not find any merit in the petition.

The petition is liable to be dismissed and is accordingly dismissed.

Certified copy as per rules.

4. Learned counsel for the appellant has fairly conceded that as on the date of the application, the lease of godown was not for 15 years as the period is to be

calculated from the date of the lease awarded in favour of the appellant.

5. Thus, we find no infirmity in the impugned order.

6. Accordingly, the writ appeal is dismissed.

7. C.c. as per rules.