

(2014) 01 AHC CK 0169
In the Allahabad High Court
Case No : C.M.W.P. No. 4107 of 2014

Shakti Mohan Varshney

APPELLANT

Vs

Indian Oil Corporation Ltd.

RESPONDENT

Date of Decision : 22-01-2014

Acts Referred:

Constitution of India, 1950 — Article 14
Registration Act, 1908 — Section 47

Citation : (2014) 104 ALR 143 : (2014) 4 AWC 3967

Hon'ble Judges : Anil Kumar Agarwal, J; Amreshwar Pratap Sahi, J

Bench : Division Bench

Advocate : Rakesh Kumar, Advocate for the Appellant; Prakash Padia, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi and Anil Kumar Agarwal, JJ.—Heard Sri Rakesh Kumar, learned Counsel for the petitioner. The petitioner was an applicant for an L.P.G. distributorship. The respondent-Corporation entertained the application of the petitioner and after scrutiny proceeded to draw the lots in respect of the candidates. The candidature of the petitioner has been cancelled by the impugned order dated 1.1.2014 on the ground that the petitioner did not have a registered lease deed for the showroom and godown duly registered in his name on the last date of application i.e. 25.11.2011.

2. There is no dispute on this fact and further that the lease deed of the petitioner was executed on 25.11.2011, but was registered on 26.11.2011.

3. The contention of the petitioner on the strength of a decision in the case of Thakur Kishan Singh (dead) Vs. Arvind Kumar, is that the registration would relate back to the date of execution in accordance with section 47 of the Registration Act.

4. There can be no dispute with regard to the proposition of law as laid down by

the Apex Court. However, in the present case it is the terms and conditions prescribed in the brochure which require that the lease deed should be registered and the date of the document has to be on or before the date of application.

5. In the instant case, it is clear that the lease deed was registered one day after the last date and, therefore, the petitioner did not have a registered lease deed in his name as per the requirement of the general instructions of the brochure, copy whereof has been filed as Annexure 2 to the writ petition. Item No. 9 of the general instructions clearly indicates that the said document, namely, a registered lease deed has to be in existence on or before the date of application.

6. The lease deed may have been executed and it may be a valid registered deed for the purposes of the Indian Registration Act as per the judgment of the Apex Court, but so far as the application is concerned the same cannot be treated to be complete as per the brochure aforesaid, as the deed had not been registered up to the last date of the application form. Interpreting it as suggested by the petitioner would amount to redefining and bending the rules that would violate Article 14 of the Constitution of India. Consequently, no case for interference is made out. Rejected.