



2025:HHC:22381

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No. 09 of 2025.

Reserved on 29.5.2025

Pronounced on: 11.07.2025

Vijay Kumar

.....Appellant.

Versus

Bharat Petroleum Corporation Ltd. and others

.....Respondents.

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting? Yes

For the appellant :

Mr. Vinay Kuthiala, Senior Advocate with Mr. Rajiv Rai and Mr. Diwan Singh Negi, Advocates.

For the respondents:

Mr. B.N. Misra, Senior Advocate with Ms. Vandana Misra, Advocate.

G.S. Sandhawalia, Chief Justice.

The present Letters Patent Appeal seeks to challenge the judgment dated 27.12.2024, rendered by the learned Single Judge passed in **CWP No. 1910 of 2020**, titled ***Vijay Kumar versus Bharat Petroleum Corporation Ltd. and others***, whereby the writ petition filed by the petitioner has been dismissed.

2. Relevant facts, shorn of all unnecessary details, may be noticed.

3. Apparently, three renowned companies, namely Indian Oil Corporation Ltd., Bharat Petroleum Corporation Ltd. and Hindustan Petroleum Corporation Ltd., jointly invited applications vide public notice dated 13.08.2017 for allotment/grant of dealership of Liquefied Petroleum Gas (for short as "LPG") at various places. Petitioner/appellant herein applied for Dharampur (Rural) District Mandi, H.P. being eligible for allotment of LPG distributorship on 01.09.2017 (Annexure P-6), which was reserved for Scheduled Caste Category. In the draw of lots, which took place on 11.01.2018 petitioner was found eligible for selection of LPG distributorship of Bharat Petroleum Corporation at Dharmapur District Mandi, HP and vide communication dated 12.01.2018, respondent-Bharat Petroleum Corporation Ltd., intimated the petitioner with regard to his selection and asked him to deposit a sum of Rs.20,000/- and submit relevant documents. Accordingly, he submitted the relevant documents and requisite fee.

4. As is evident from the Brochure/Unified Guidelines for Selection of LPG Distributors prepared by all the three oil

companies in the month June 2017 (Annexure P-4), appended with the Writ petition, Field Verification of Credentials (hereinafter referred to as the "FVC" for short) was required to be done by the Committee officials. Thus, for this purpose, an official of respondent/BPCL visited the location identified and offered by the petitioner. On 17.1.2018 (Annexure P-17), Ravinder Singh, Field Officer of BPCL-respondent No.3 visited the location of the petitioner for field verification and found that there were over hanging high tension electric wires passing through the plot. While conducting inspection, respondent No.3, allegedly got prepared the rough site plan of area measuring 21x26 meters out of total plot measuring 70x30 meters, offered by petitioner from a revenue official, i.e., Patwari of the area concerned. Allegedly, the said respondent No.3 also told the petitioner herein to write communication dated 18.1.2018 (Annexure P-11 Colly) to FVC committee, submitting that he has land to offer for Godown in his own name having dimensions of 21x26 meters at the advertised location i.e. village Dharampur. In the aforesaid communication, while admitting that he does not have any alternative land to offer for Godown at advertised location owned/registered lease in the

name of his wife, parents and grandparents, petitioner/appellant undertook to take up the matter with the Electricity Department for removal of the electricity line passing through the plot offered by him for Godown. Though petitioner after his having signed communication dated 18.1.2018, thought that alternate land offered by him will be considered and accepted and, he would be issued letter of intent, but respondent- BPCL, vide communication dated 30.1.2018/07.02.2018 (Annexure P-13) intimated the petitioner/appellant that he has not been found eligible for LPG distributorship.

5. After issuance of the aforesaid communication as such respondent No.3 allegedly started sending communications for the computerized redraw among the remaining candidates, as such, on 28.02.2018. Petitioner then filed CWP No. 384 of 2018, titled Vijay Kumar v. Union of India, which came to be disposed of vide judgment dated 04.03.2020 (Annexure P-3), by the Coordinate Bench of this Court while ordering that order passed by the Corporation dated 30.1.2018, shall remain in abeyance and permitted the petitioner to file representation with direction to the respondent to decide the same afresh in terms of policy.

6. In pursuance to the aforesaid directions, the petitioner filed detailed a representation dated 18.03.2020 (Annexure P-2), but the same came to be rejected vide order dated 15.04.2020 (Annexure P-1), passed by the respondent-corporation.

7. In such circumstances, the petitioner approached this Court and filed the writ petition, for quashing and setting aside the impugned rejection letters dated 15.04.2020 (Annexure P-1) and 30.01.2018 (Annexure P-13) respectively issued by respondent No.2 and further for quashing Annexure P-17 the Field Verification Credentials (FVC) issued by respondent No.3 qua the petitioner being void, which came to be dismissed by the learned Single Judge vide judgment impugned.

Reasoning of the learned Single Judge:

8. The learned Single Judge while dismissing the writ petition held that though the writ petitioner was a successful candidate in the draw of lots conducted on 11.01.2018 but the deposit of Rs.20,000/- was subject to the advertised location being in line with the provisions of the unified guidelines for the selection of LPG distributorship. Apparently, during inspection

on 17.01.2018 done by respondent No.3 as per terms and conditions, which was to be done by a committee and while holding that one official was sufficient to constitute the committee, it was found that the area offered was having the larger dimensions measuring 70 x 30 meters having overhanging electric power lines on the plot. The attempt to offer alternate land belonging to the father was 15 km. away from Dharampur and there was no road connecting to the said land. The offer then had been made that the smaller chunk of land measuring 21 x 26 meters could be carved out without electric wires hanging over it and was to be considered as per the communication dated 18.01.2018 (Annexure R-4). Therefore, false information had been given at the time of filing the application.

9. Resultantly, it was held that basic facility required for the operation as such and the eligibility criteria for applicants, were not fulfilled, as the land for construction of godown should be plain and contiguous and free from live overhead power transmission or telephone lines. Resultantly, it was held that the information having been supplied was false, the rejection dated 30.01.2018/07.02.2018 was held to be

justified and therefore even as per the terms and conditions, 10% of the security deposit was liable to be forfeited and therefore the Letter of Intent issued conferred no right to the writ petitioner. Fall back was made upon the judgments of the Division Bench of this Court in **Civil Writ Petition No.383 of 2018** titled ***Bhupesh Sharma vs. Bharat Petroleum Corporation Limited and others*** decided on **11.09.2018** and **Civil Writ Petition No.835 of 2020** titled ***Devesh Chandel vs. Union of India and others*** decided on **06.07.2023** in this context and also on the judgment of the Apex Court in ***Bharat Petroleum Corporation Limited and another vs. Meet Kalhar*** (2016) 15 SCC 498.

Later judgments on flexibility:

10. The principle on the basis of which the learned Single Judge rejected the case of the writ petitioner and dismissed the writ petitions apparently does not suffer from any infirmity, if one has to look from the strict principles of the applicant being bound by his offer of the plot. However what has to be kept in mind is that the respondent-Corporation themselves have softened the rigour of the piece of land which has to be offered, which has been noticed by the Apex Court on

two occasions and the alternative land offered as such and the agencies granted on the same have accordingly been upheld.

11. First case in hand is ***Mrinmoy Maity vs. Chhanda Koley and others*** AIR 2024 SC 2717 wherein challenge had been laid as such to the approval granted in favour of the appellant which had been rejected by the learned Single Judge of the High Court on the ground that the amendment of the guidelines brought about subsequently could not be made applicable retrospectively and the land offered was Bagar land and could not be considered for the purposes of constructing the godown, showroom for the purposes of starting the LPG distributorship at the notified place. Thus the notification dated 30.04.2015 providing flexibility in the selection guidelines for providing opportunity to offer alternate land in response to the advertisement was considered. Accordingly it was held that the interference by the Division Bench was not justified and the alternate land offered as such by the successful applicant as such had been found suitable and it was in consonance with the change in policies and no favouritism or nepotism had come into play and therefore the appeal was allowed upholding the allotment. The relevant portion reads as under :

"14. Having regard to the afore-stated principles of law enunciated herein above, when we turn our attention to facts on hand, it would not detain us for too long for accepting the plea of the appellant in affirming the order of the Learned Single Judge and dismissing the writ petition on the ground of delay and laches. We say so for reasons more than one, firstly, it requires to be noticed that the writ petitioner was a rival applicant along with the appellant herein for grant of LPG distributorship and she along with the appellant herein, were found to be eligible and the appellant herein was held to be successful by virtue of draw of lots. This factual aspect would reflect that the writ petitioner was aware of all the developments including that of the allotment of distributorship having been made in favour of the appellant herein way back in 2014, yet did not challenge and only on acceptance of the alternate land offered by the appellant in March, 2017 and permitting him to construct the godown and the showroom. Same was challenged in the year 2017 and thereby the writ petitioner had allowed his right if at all if any to be drifted away or in other words acquiesced in the acts of the Corporation and as such on this short ground itself the appellant has to succeed. Secondly, another fact which has swayed in our mind to accept the plea of the appellant herein is that, undisputedly the appropriate government had felt the need of permitting the Oil Marketing Companies to be more flexible and as such modification to the guidelines had been brought about on 15.04.2015 whereby the applicants were permitted to offer alternate land where the land initially offered by them was found deficient or not suitable or change of the land, subject to specifications as laid down in the advertisement being met. There being no stiff opposition or strong resistance to the alternate land offered by the appellant herein not being as per the specifications indicated in the advertisement, we see no reason to substitute the court's view to that of the experts namely, the Corporation which has in its wisdom has exercised its discretion as is evident from the report filed in the form of affidavit by the territory manager (LPG)/ BPCL whereunder it has been stated:

"13. On the basis of xxxxxxxxxxxxxxxxxxxxxxxx to non- agricultural. In his application form the

said Respondent no. 9 had provided the Land for godown at Plot No 3732, Khatian No LR 2585, 2586, 2587 JL No 34, Mouza Kolera, Jamalpur, Distt Burdwan admeasuring 33 decimal. The same was cleared based on Registered Lease Deed, which was found to have been genuine in all respects as confirmed by the ADSR Jamalpur.

16. The land offered by the successful candidate, namely the Respondent no.9 was found to be eligible by relying on the abovementioned clauses, which determine eligibility of the land based on the status of ownership. The fact that the said land was a "Barga" land is not a material condition on the basis of which the Respondent no. 9's candidature could be cancelled.

24. Subsequently, FVC of the said newly offered land by the LOI holder, Respondent no. 9 was conducted and the same was found suitable for construction of LPG Godown. A letter being DGP:LPG OMP: Jamalpur dated 21.03.2017 was provided to the said LOI holder informing him that the alternate land provided is found suitable and therefore his request to construct LPG Godown in the said alternate land has been approved. A copy of the said letter dated 21.03.2017 is annexed hereto and is marked as "R-5".

25. It is therefore submitted that the steps taken by the Respondent no. 3 in allowing the LOI holder, Respondent no. 9, to provide alternate land for construction of godown, have been in consonance with the change in policies and no favoritism or nepotism, as suggested by the petitioner has been in play.

32. It is further clarified that the FVC conducted on the original land offered by the Respondent no. 9 was found to be satisfactory on all counts, and only on the basis of this, his request for provision of alternate land was accepted."

15. Hence, we are of the considered view that the order of the Learned Division Bench is liable to be set aside

and accordingly, it is set aside. The order of the Learned Single Judge stands restored for the reasons indicated herein above and the appeal is allowed accordingly with no order as to costs."

12. In similar circumstances, thereafter in **Jagwant Kaur vs. Union of India (2025) 2 Supreme 337**, challenge to the similar allotment as such had been rejected and the matter was taken to the Apex Court. The issue as such was again the availability of alternate land since there was a cloud as such created on the land offered in the first application since the lessor as such had shifted his stance. Resultantly, it was held that the alternate land offered also has met the requirement in the advertisement and the same had been accepted which was possible as per the guidelines providing more flexibility in the allotment of process and resultantly the appeal was dismissed by holding as under:

"12. The Division Bench relied on the judgment of this Court in Mrinmoy Maity vs. Chhanda Koley and others [Special Leave Petition (Civil) No.30152 of 2018 decided on 18.04.2024] wherein it was categorically held that the modification to the guidelines with respect to allotment of L.P.G. distributorship brought out on 15.04.2015 provided for offering alternate land where the land initially offered by the applicant was found deficient or not suitable or change of nature of the land, subject to specifications as laid down in the advertisements being complied with. There is no dispute that the alternate land offered met the requirement in the advertisement. The argument is that the very factum of the alternate land being offered and accepted, substantiates the contention of disability visited on the 4th respondent by reason of the land offered in the application

being identical to that offered by another applicant; which contention we have already found to be fallacious. The alternate land has been offered only in the context of the shifting stance of the lessor; the acceptance of which by the Corporation was possible as per the guidelines, which provided more flexibility in the allotment process. We 1 Special Leave Petition (Civil) No.30152 of 2018 decided on 18.04.2024 find absolutely no reason to interfere with the judgments impugned and reject the contentions raised."

Manner of processing of case:

13. The advertisement in question whereby the applications were invited is stated to be on 13.08.2017 wherein the land in Gram Panchayat, Dharampur was provided for allotment of alternative land, which was shown at Sr. No.11. The last date of submitting the application was 12.09.2017 and therefore there is no dispute as such regarding the factum of the relaxed guidelines as such being in force prior to the point to the issuance of the advertisement. The requirement as such for the Gramin Vitrak plot of land was minimum dimension of 21 x 26 meters with which we are concerned and the applicant had offered land falling in Khasra No.964/728 and of Khasra No. 919/626 having dimensions of 85 x 10 meters having much larger dimensions of 70 x 30 meters and having the necessary sale deed/gift deed dated 18.09.2008 and 28.01.2008, respectively.

14. The declaration as such was given that eligibility would be decided on the basis of the information provided by him in the application and if the information provided by him is found to be incorrect/false or on misrepresentation, the same shall stand canceled and the applicant will be declared ineligible. Having read the terms and conditions, the petitioner had filed his claim on 01.09.2017 (Annexure P-6).

15. Having been declared successful in the draw of lots conducted on 11.01.2018, he was asked to deposit Rs.20,000/- and was told that ownership of the brochure should be valid as per the dates specified and the Field Verification of Credentials (FVC) would be carried out by the nominated official(s) on the designated date and time and the information submitted by him on the online portal shall be verified and he would be required to produce the necessary documents.

16. He was also put to notice that his candidature was liable to be rejected if he was not able to present the original documents at the time of field verification. Various documents like self-attested copy of photo I.D., declaration, proof of date of birth, proof of educational qualification, undertaking and declaration given earlier and land documents showing the land

in the name of the applicant or member of the family, registered sale deed, lease deed and the eligibility certificate were requisite requirements.

17. The case of the petitioner is that on the deposit of the abovesaid documents, he received a telephone call from respondent No.3 to meet him at Jogindernagar, Mandi and submitted the entire documents but he had expressed his inability to meet him as he was in Coimbatore at that time. It is his case that after returning from Coimbatore, he had gone to the office of respondent No.2 and submitted the entire documents and the documentation was to be completed on or before 20.01.2018 and he had told the Territory Head that since both his Khasra numbers were having the same Khewat No.153 that the land could be carved out of 21 x 26 meters, for the godown for the storage of minimum capacity of 5,000 kg of LPG and he had taken up the case for removing the electric wire of 11 KV with the department.

18. It is the case of the petitioner that as per the Unified Guidelines (Annexure P-4), if the information did not meet the eligibility conditions, the alternate land has to be considered and it should be verified during the FVC for suitability for the LPG

godown and showroom. The relevant portion as such regarding the benefit of the alternate land in the field verification read as under:-

“18. FIELD VERIFICATION OF CREDENTIALS (FVC)

- a. Verification of the information given in the application by the applicant with the original documents and with the issuing authorities wherever required is called Field Verification of Credentials (FVC). Also the land offered for Godown and showroom (wherever applicable) will be verified for suitability with respect to eligibility conditions and suitability with respect to construction of Godown and showroom (wherever applicable). Field verification (FVC) will be carried out for the selected candidate.
- b. During the FVC process, in case land mentioned by the applicant for godown/showroom in his application is found not meeting the eligibility conditions/requirements as stipulated in the advertisement/brochure/application form and if the applicant is having any alternate land in his name/member(s) of the family unit as per the definition of family unit for land of the applicant with date of registration of sale/lease on or before the last date for submission of application as specified either in the advertisement or corrigendum (if any), the same can be considered at the time of FVC. However, the same if considered has to be duly verified for its suitability during the FVC. In case at the time of FVC, it is found that the all weather motorable road providing access to the Godown land is not available and if the candidate expresses his/her inability to ever provide the same, the candidate can offer an alternate land meeting the eligibility criteria. Such alternate land if considered has to be duly verified during the FVC for its suitability for providing LPG godown and showroom facility as mentioned herein above.
- c. In case more than one application is made by a single candidate with different lands or if the applicant has offered more than one plot of land in a

single application, then option may be given to the candidate to offer the most suitable plot of land for which FVC will be carried out. The offered plot of land, if found suitable during verification, would be recommended for construction of LPG godown/showroom.

19. Letter of Intent (LOI)

If in the FVC, the information given in the application by the applicant is found to be correct and the Land offered for Godown and Showroom are found to be suitable, final Letter of Intent (LOI) will be issued with the approval of competent authority.

The selected candidate after receipt of LOI should fulfill the conditions specified in the LOI within a period of four months from the date of LOI or the time limit given by the OMC, failing which the LOI is liable to be withdrawn along with forfeiture of the amount remitted by the selected candidate before FVC.

If in the FVC it is found that information given in the application is at variance with the original documents and that information affects the eligibility of the candidate, then the LOI holder would be intimated through email, point out the discrepancy/discrepancies through Email. If it is established that false/incorrect/misrepresented information has been given in the application, candidature of selected candidate will be canceled, the status of the LOI would become null and void and the amount remitted by the selected candidate before FVC will be forfeited."

19. It is thus the case of the petitioner that verification which was done on 17.01.2018 (Annexure P-17) by respondent No.3 had disqualified him on the ground that there were overhead high tension electric wires and in view of Clause 7.3.3 of the Unified Guidelines, cancellation of his candidature was

recommended by noting that he does not have any alternate land to offer.

20. Apparently, the petitioner also on 18.01.2018 had represented to the FVC Committee that the alternate land with him was 15 kms. away from Dharampur in his father's name but there is no road connecting the plot and no approach road can be provided and the land cannot be offered as godown. He also mentioned that he had taken it up with the electricity department for removal of the electricity lines on the first land offered and the same could be removed soon and his request be considered. The said request was thus rejected on 30.01.2018 on the ground that there were overhead high tension electric wires and the land was neither suitable nor he had any alternate land to offer.

21. Petitioner had represented on 27.02.2018 (Annexure P-11) which has been appended with his first **CWP No.384 of 2018** titled as ***Vijay Kumar vs. UOI and others***, wherein it was brought to the notice of the respondents through the Territory Head that electricity wires had been removed with the help of Electricity Department and the field verification be done afresh and the distributorship be awarded in his favour,

while bringing to their notice that wires as such were on the corner of the plot and he had sufficient land which had no overhead wires. The said representation reads as under:

"Dear Sir,

This is a further request to you regarding my application #BPC03119000701092017 which has arbitrarily been rejected for the reason of there being High Tension Wires over the Plot/land offered for constructing godown, otherwise your field officer had already taken an undertaking that I will manage to remove the wire soon. Apart from this the aforesaid wire was one the corner of the plot and in the entire land which is a big chunk of the land as compared to land required by the BPCL, there was sufficient land of measuring 21 x 26 Meter above which there was no wire.

As per your direction I managed to remove wires with the help of Electricity department from the offered land, the estimation report whereof is also enclosed herewith. Therefore, it is kind request to your good self that field verification of the land offered by me may kindly be done afresh and the distributorship may kindly be awarded in my favor. Hence, it's a humble request to you to reverify my land in addition to it I am ready to provide alternate land for construction of LPG Godown as per requirement.

I shall be very thankful to you for same."

22. Resultantly, he had approached this Court in **Vijay Kumar's case (supra)**, wherein he raised challenge to communication dated 13.01.2018 and sought to set aside the Field Verification Credentials (FVC) conducted. He was permitted to file a representation which was to be decided and was disposed of by passing a speaking order dated 15.04.2020

and was given liberty to challenge the same, in case, he is still aggrieved by the decision of the authorities.

23. Perusal of his representation dated 18.03.2020 (Annexure P-2) would also go on to show that he had raised the same objections that he had a larger chunk of land falling in two Khasra numbers measuring 70 x 30 meters and 85 x 10 meters and the land measuring 21 x 26 meters would easily be carved out from the said chunk. He also highlighted the fact that field verification had been carried out by the official(s) without giving him much time to remove the discrepancies as such and the Electricity Board had been requested and estimate had been prepared and electricity wires were removed and his rejection was on the flimsy ground as such.

24. The Corporation as such had rejected the said representation on 15.04.2020 by holding that since the electricity wires were there on the date of submission of the application and the eligibility conditions as such were not met on the date of filing of the application and there was no opportunity for rectification of the discrepancies. The alternate land as such was not suitable as it was admitted that it did not have any approach as such and therefore it was held that the

rejection of the candidature was as per the prevailing guidelines and policies invoked. The relevant portion reads as under:

"As evident from point 1 you have to meet the eligibility criteria as on date of application and presence of electricity wires over the plot offered for godown as on date FVC and your declaration of admittance of presence of electricity wires implies clearly that they were present on date of submission of application and as well which means that you were not meeting the eligibility conditions as on date of filing of application and there is no provision to provide any opportunity for rectification of such discrepancy since the policy states clearly that the applicant has to fulfill all the eligibility conditions before filing the application form therefore the question of providing any opportunity for removal of electricity lines does not arise.

Since the land offered in application was having electricity lines passing thru it as on date of FVC and could not be considered for godown purpose therefore you were also provided a chance to offer any other alternate land for godown as per the policy to which you have submitted in written that you have only one alternate plot to offer for godown, which is in the name of your father and apart from that you do not have any other plot to offer for godown in your name/your family unit's name as defined in the brochure on unified guidelines for selection of LPG distributors. You also declared that this sole alternate land which is in the name of your father does not have any approach road and apart from this land you do not have any other alternate land to offer for godown. Considering the same it is evident that this alternate land was also not fulfilling the eligibility criteria for land for LPG godown as defined in brochure on unified guidelines for selection of LPG distributors. In addition you may also refer to declaration 8 reproduced from your application which is amply clear and hence this sole alternate land of yours was also found not meeting the eligibility criteria for godown purpose."

25. It is in such circumstances, the petitioner approached this Court.

Reasons for interference:

26. It has been specifically pleaded in the writ petition, that the needful had been done and the electric poles and wires had been removed. The response as such of the respondents is that the said contents of the paras being matter of record, calls for no specific reply and since there were electric wires existing over the plot, it is a major disqualification and he had filed a false declaration which is a fundamental defect. It is accordingly pleaded that if such defects were allowed to be cured, it would lead to multiplicity of litigation as such and the officer had acted strictly in accordance with the policy guidelines and re-draw of lots was the only option. It is also a matter of record that there is an interim order operating in favour of the appellant as such since 10.01.2025 and the second writ petition had been entertained. There was also an interim order on 06.07.2020 that the selection for the LPG Distributorship Dharampur (Rural) Gram Panchayat, Dharampur Block Dharampur shall not be finalised without the leave of the Court. It was thus apparent that the issue stands hanging fire since the last 8 years.

27. The appellant had also removed the deficiencies as such of the electric wires over the land which is a much larger chunk of land and if the Corporation had kept this aspect in mind, part of the said land could have been utilized as such for the construction of godown.

28. As noticed above, the clause has already been reproduced regarding the right as such of the offer of alternate land which has to be read in conjunction with the observations of the Apex Court. The purpose is as such to give an eligible candidate an opportunity in case of any ambiguity in the land which has been the subject matter of the offer made if it suffers from any disqualification. The disqualification as such had been removed at the cost of the appellant by requesting the electricity board and the land is thus lying vacant and otherwise suffers from no disqualification and even prior to that, as noticed, it was a larger chunk of land and the strict adherence as such which is done by the Corporation to reject the application is not in the terms of the flexibility which has been offered in the terms of the Unified Guidelines and as noticed by the Apex Court in the two judgments cited supra.

29. It is in such circumstances, we are of the considered opinion that the benefit as such had to be granted to the appellant which the learned Single Judge did not keep in mind while dismissing the writ petition. The judgments which have been relied upon as such can be distinguished to the extent that in **Bhupesh Kumar's case (supra)**, the disqualification was on account of the fact that there was no registered lease deed which was the requirement on the cut off date and the claim that the rent agreement as such was sufficient, was a reason as such which led the Division Bench to reject the claim put forward by the applicant. Thus, the basic facility as such was not available to fulfill the eligibility conditions such as registered lease deed or ownership of the property before the cut off date which is not the case herein.

30. Similarly, in **Devesh Chandel's case (supra)**, the issue was that it was concealment of fact that there were other co-owners of the land offered and in such circumstances, it was held that the dealership cannot be granted as he was not eligible and the sole owner. The judgment of the Apex Court in the earlier occasion in **Meet Kalhar's case (supra)** was a case where the appeal of the Corporation had been allowed on the

ground that minimum liquid funds were not available for the grant of the LPG Distributorship and the joint account as such had been accepted with his wife and brother and resultantly, it was held that minimum requirement as such was not as per the terms.

31. The said issue was prior to the point the flexibility as such has been provided by the Oil companies as noticed by the Apex Court as the rejection in that case was on 23.03.2013 and therefore, the said judgment would not be applicable in the facts and circumstances of the present case.

32. The aspect of flexibility and the law of the Apex Court on the said issue having not been brought to the notice of the learned Single Judge thus leads us to hold that the action of the respondents at the time of remand was not in consonance with the policy in vogue which the learned Single Judge failed to keep in mind.

33. Resultantly, we are of the considered opinion that the appeal is liable to be allowed and resultantly we set aside the judgment of the learned Single Judge in CWP No.1910 of 2020 decided on 27.12.2024 and also set aside the rejection done of the case of applicant on 30.01.2018 and 15.04.2020.

Accordingly, we direct that a fresh FVC be conducted of the land offered as such for the LPG Distributorship within a period of four weeks from the date of the receipt of the certified copy of this judgment and the matter be re-considered in view of the change in circumstances and the flexible policy as such of the oil companies.

34. In view of the above, present appeal is allowed and disposed of as indicated herein above. Pending application(s), if any, also stands disposed of.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

July 11, 2025.
(ankit)