K.B.Raheja, Advocate, *for the petitioner*.

Ashish Kapoor, Advocate, for the respondents

JAGMOHAN BANSAL, J. (ORAL)

(1) The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 23.11.2017 (Annexure P-10) whereby candidature of the petitioner seeking LPG distributorship has been cancelled on the ground of insufficient bank balance.

(2) The petitioner applied for LPG distributorship pursuant to advertisement of Indian Oil Corporation Limited (for short 'corporation'). A condition of advertisement which is directly linked with the present case is reproduced as under:-

> "11. Amount in Savings Bank Account in Scheduled Bank/Post Office in the name of applicant and member(s) of 'Family Unit'. Notarised affidavit as per format given in Appendix-2 from member(s) of 'Family Unit' has to be submitted.
>
> | Sr. No. | Name of Bank | S.B. A/C NO. | Name of Account Holder(s) | Relation with applicant | Amount |
> |---|---|---|---|---|---|
> | | | | | | |
>
> Total amount in words :
>
> Note: The amount declared above in each case must be available as closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any) and the same will be verified during Field Verification."

(3) The petitioner filed application on 19.11.2013 and on the said date, he was having requisite bank balance of Rs.10 Lacs, however, he withdrew substantial amount prior to last date for filing application i.e. 25.11.2013. The respondent-corporation rejected application of the petitioner on the ground that bank balance has to be seen on the last date for filing application whereas petitioner is claiming that date of filing application is relevant date for determining the financial capacity.

(4) Mr. K.B. Raheja, Advocate, submits that petitioner was having sufficient balance on the date of filing application, thus, respondent has wrongly rejected candidature of the petitioner.

(5) Per contra, Mr. Ashish Kapoor, Advocate, submits that case of the petitioner is squarely covered by judgment of the Calcutta High

Court in ***Abdul Malek Sk.*** *versus* ***Indian Oil Corporation Limited and others***[1].

(6) I have heard counsel for the parties and perused the record with their able assistance.

(7) From the perusal of record, it is quite evident that petitioner filed application on 19.11.2013 and on the said date he was having sufficient bank balance. The petitioner, as per his wisdom, withdrew substantial amount prior to the last date of filing application i.e. 25.11.2013. The terms and conditions prescribed in the brochure categorically provide that applicant must have closing balance on the last date of submission of application. Concededly, the petitioner was not having sufficient balance on the last date prescribed for submission of application.

(8) In ***Abdul Malek Sk.(Supra),*** the Court has adverted with the issue in question and held that corporation is right in cancelling candidature if the applicant is not having minimum balance on the last date of submission of application. The relevant extracts of the judgment read as under:-

> "16. In the instant case, though the Indian Oil Corporation in their intial (sic) advertisement have fixed the last date of submission of the application on 24.02.2014 but subsequently, by way of corrigendum dated 23.02.2014 the submission of the application was extended till 24.03.2014 and as such the last date of the application is to be taken into consideration as 24.03.2014.
>
> 17. As per the record, the petitioner has not maintained the minimum amount of Rs. 4,00,000/- as on the last date of application i.e. 24.03.2014 and thus the impugned letter dated 20.11.2014 does not require any interference."

(9) The case of the petitioner is squarely covered by the afore-stated judgment of the Calcutta High Court. This Court does not find any reason to form different opinion

(10) In the wake of above discussion and findings, the present petition deserves to be dismissed and hereby dismissed accordingly.

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[1] 2022 SCC online Cal 211