

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.453 OF 2015

Rupesh s/o Ghanshyam Patil

- PETITIONER

VERSUS

1) Hindustan Petroleum Corporation
Mumbai & Ors.

- RESPONDENTS

Mr.Vijay B.Patil, Advocate for Petitioner/s

Smt.Anjali Bajpai (Dube) Adv. for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 22nd January, 2015.

PER COURT:

1) The petitioner has been disqualified and his candidature for allotment of LPG distributorship has been cancelled and said order has been maintained by the Grievance Cell of the Respondent - Petroleum company in view of order passed on 18.11.2014, which order is subjected to challenge in the instant petition.

2) The petitioner tendered an application in pursuance to the advertisement issued by the

Respondent-company for LPG distributorship for retail sale of petroleum products. One of the eligibility conditions, prescribed under the advertisement is, -

"Applicant should have minimum total amount of 15 lakhs for Urban Markets and 10 lakhs for Urban - Rural & Rural & Rural Markets respectively as the closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any). **This amount is to be arrived at by adding amount in Savings Bank accounts in Scheduled Bank/Post office, free and un-encumbered Fixed Deposits in Scheduled Banks, Post Office, Listed Companies / Government Organisation / Public Sector Undertaking of State and Central Government, Kisan Vikas Patra, NSC, Bonds, Shares of Listed Companies, Listed Mutual Funds, ULIP, PPF, Surrender Value of Life Insurance policies in the name of Applicant or family members of the 'Family Unit' of the Applicant as defined above.** In case of locations reserved under 'SC/ST' category, minimum total amount of 5 Lakhs for Urban Markets and 2.5 lakhs for Urban-Rural & Rural Markets respectively should be available as the closing balance on the last date for submission of application as specified in

the advertisement or corrigendum (if any)"

3) It is observed that the petitioner has maintained deposit of Rs.4,00,500/- in Jalgaon District Central Co-op. Bank Ltd. Jalgaon, which is not a scheduled bank as per notification issued by Reserve Bank of India. The petitioner also maintained a sum of Rs. 1,06,445/- in Shree Swami Samarth Nagrik Sahakari Patsansthan Maryadit, Chopada, as well as sum of Rs. 1,35,200/- with Chopda Shetkari Sakhar Karkhana Limited, Chahardi, which institutions do not figure in the list of institutions prescribed by the petroleum company in the qualifying clause. Since the petitioner did not fulfill or comply the requisite eligibility criterion, the impugned action of the respondent – petroleum company, directing cancellation of petitioner's candidature for allotment of LPG distributorship, cannot be said to be erroneous. The petition is devoid of substance and stands rejected.

4) Counsel appearing for the respondents informs, only 10% amount out of the security amount deposited with the petroleum company at the time of

tendering the application is liable to be retained and the balance amount would be refunded to the petitioner.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/