

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1470 OF 2002

BHARAT MANIKRAO GAVIT
VERSUS
UNION OF INDIA AND OTHERS

...
Advocate for Petitioner : Mr. P. S. Dighe i/b Mr. A. M. Gaikwad
Special Counsel for Union of India : Mr. R. B. Bagul
Advocate for respondent No.6 : Mr. A. P. Bhandari

CORAM : A.V. NIRGUDE & A.M. BADAR, JJ.
DATE : 10TH JUNE 2015.

PER COURT:

1] Heard.

2] Facts leading to this petition are as under :-

In 1994, the Indian Oil Corporation, a Government of India undertaking issued an advertisement for setting up retail outlet for diesel and petroleum on a road near village Visarwadi, Navapur, District Nandurbar. Several people applied. The petitioner's application was approved and on 16.6.1995, a Letter of Intent was issued in his favour. He purchased a piece of land for constructing a diesel and petroleum outlet, but some complaints were made against the petitioner leading to filing of 3 Writ Petitions. Ultimately, in 1996 this Court directed the Dealer Selection Board of the Indian Oil Corporation appointed by the Union of India to decide as to who should be given the dealership of Visarvadi outlet. In 2002, the petitioner was asked to attend an interview but in the new list that was published by

the Dealer Selection Board, the name of the petitioner was not mentioned. The Indian Oil Corporation allotted the dealership for Visarwadi outlet to respondent No.3. This gave a cause of action to the petitioner for filing the instant petition.

3] The question is, whether the petitioner had any right to get the dealership. Even if the answer to the above question is in the negative, whether, any illegality was committed at the time of allotting the dealership.

4] On the face of it, the petitioner did not possess any right for getting the dealership. What happened in 1995, is virtually set aside by orders of this Court in the 3 petitions, to which the petitioner was a party. So, the issuance of Letter of Intent in 1995 did not give any right in favour of the petitioner in 1996. The Indian Oil Corporation as per the order of this Court initiated the process of selection *de-novo*. During said process, all the candidates including the petitioner were interviewed and the Board did not accept the candidature of the petitioner. The petitioner does not allege that selection of respondent No.3 or others was against law. He only alleges that his non-selection is incorrect. The petitioner pleaded that one of the reasons that could have been utilized for his non-selection or rejection of his claim could be the fact that his sister is allotted LPG dealership by Indian Oil Corporation. However, there is no basis for this statement. The respondents did not indicate anywhere that because of this fact the petitioner's claim was rejected. Allotting dealership is a business

opportunity. The petitioner had a right to be considered for such opportunity. This right has not been denied to the petitioner. Allotment of outlet was thus not a right of any party.

5] From the pleadings of the parties, one would not come to the conclusion that Selection Process was defective at any stage or any fraud was committed while the process was going on. No malafides are alleged and the record also does not show that any activity tended to be malafide. In view of this, the petitioner cannot succeed in this petition.

6] Writ petition is dismissed. Rule is discharged.

[A.M. BADAR]
JUDGE

[A.V. NIRGUDE]
JUDGE.

grt/-