

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3139 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.V.Deshmukh, advocate for the Petitioner.

Mr.S.S.Kulkarni, advocate for the Respondent Nos.1 and 2.

Mr.A.A.Jagatkar, advocate for Respondent No.3.

**CORAM : S.V.GANGAPURWALA &
A.I.S.CHEEMA, JJ.**

Date : 30.04.2015.

PER COURT :

1. Heard.

2. Mr.Deshmukh, learned counsel submits that the petitioner and the Respondent No.3 had applied for regular LPG agency, pursuant to the advertisement to the Respondent Nos.1 and 2. The petitioner and Respondent No.3 both were called and by lot of draw the Respondent No.3 came to be selected for distributorship. The petitioner filed complaint on 27.8.2014, objecting the selection of Respondent No.3 on various counts. The Respondent Nos.1 and 2 rejected the said complaint without hearing the petitioner. The documents were not supplied nor the objections raised by the petitioner were dealt with by the Respondent Nos.1 and 2. The

objection raised by the petitioner i.e. the complaint has to be placed before the Grievance Committee and the same is to be decided by giving reasons and hearing the petitioner. According to the learned counsel, as the order is passed without hearing the petitioner and without giving any reason, the same is bad in law. Various objections are raised regarding the invalidity of the lease deed relied by the Respondent No.3. None of the objections has been dealt with or considered by the authorities. Even one day short in the lease deed is fatal and the lease deed is executed on 28th October, 2013 for a period of 15 years. The same is short by one day. According to the learned counsel, the father of the petitioner also holds the LPG distributorship at Ambejogai. This aspect also has not been considered. Even the objection with regard to the fragmentation is not dealt by the Respondents. The documents with regard to the disability of the Respondent No.3 are also not supplied.

3. Mr.Kulkarni, learned counsel for Respondent Nos.1 and 2 submits that on receiving the complaint from the petitioner, the matter was investigated in respect of the aspects raised in the complaint. The field verification Committee was appointed. The fact that the selected candidate is married was considered as per clause 9.1(V) of the guidelines, the candidate fulfills the requirement.

4. We have considered the submissions. While dealing with the complaint the authorities are expected to pass a speaking order. The reasons are required to be given by the authorities while dismissing the complaint. The reasons are the lifeline of any quasi judicial or administrative order passed. The reasons depict the application of mind of the authority passing the order. No doubt, in the present case, the order passed by the authority on the complaint of the petitioner is bereft of any reason, however, we have considered the complaint. The basic objection of the petitioner is with regard to the invalidation of the lease deed as it is short by one day. Though lease deed is executed on 28th October, 2013, the same is for a period of 15 years starting from 29th October, 2013, as such the said objection does not survive. It is now not disputed that as per guidelines provided for selection regular LPG distributors, a married son is considered as separate unit. In light of the above, the basic objection of the petitioner does not survive. It appears that the petitioner was unfortunate in not getting the agency as by stroke of luck i.e. by draw, the agency went to Respondent No.3.

5. In light of the above, the Writ Petition is disposed of. No costs.

(A . I . S . CHEEMA , J .)

(S . V . GANGAPURWALA , J .)

Dt..30.04.2015.
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