

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4055 OF 2015

Kshetre Sandesh Machindra,
age: 29 years, Occ:Business,
Residing at: Shanti,
Opp. Rayet Shikshan Sanstha,
Divisional Office,
Burudgaon Road, Ahmednagar,
District Ahmednagar 414 001

Petitioner

Versus

1 The Union of India,
through the Minister of
Petroleum and Natural Gas,
Shastri Bhawan, New Delhi.

2 The Indian Oil Corporation,
Marketing Division,
Maharashtra State Office,
Plot No.C33, G Block,
Bandra-Kurla Complex,
Bandra (East), Mumbai,
Pin: 400 051.

3 Indian Oil Corporation
(through its Chief Divisional
Retail Sales Manager, PDO),
Pune Divisional Office,
885/1, Bhandarkar
Institute Road,
Pune-411 004.

Respondents

Mr.A.B.Gatne, advocate for the petitioner.
Mr.Rahul B. Bagul, advocate for Respondent No.1.
Mr.A.P.Bhandari, advocate for Respondents No.2 and 3.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.
DATE : 21st July, 2015**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is praying for issuance of directions to Respondents No.2 and 3 – Petroleum Corporation to issue Letter of Intent in favour of the petitioner being the first empanelled candidate for appointing him as a dealer for retail sale of petroleum products. The petitioner is also praying for quashing and setting aside the communication dated 8th March, 2015, issued by Respondent No.2.

2 It is not disputed that petitioner is the first empanelled candidate. It is pointed out that one Mrs.Pratibha w/o Vijay Akolkar raised a grievance in respect of her disqualification. The complainant was declared ineligible for interview. The grievance raised by the complainant was considered favourably and it was held that she was eligible for participating in the selection process. The Petroleum Corporation, as such, directed cancellation of the merit panel prepared for the prescribed location. It was further informed that the location would be included in the re-advertisement for selection through draw of lots.

4 The petitioner contends that in fact the complainant, who lodged protest, died on 30.04.2014, long before consideration of her grievance by the Petroleum Corporation and as such, complaint presented by her stood abated automatically. It is contended that since the complainant was not alive on the date of

decision by the Petroleum Corporation, such decision, which is adverse to the interest of the petitioner, is not enforceable. The complaint presented by the complainant loses its significance on the date of her death and as such, decision taken by the Petroleum Corporation of cancellation of merit panel and further proposal for issuance of fresh advertisement for dealership selection shall have to be quashed and set aside.

5 Shri Bhandari, learned Counsel appearing for Petroleum Corporation, contends that in view of the directions issued by the Petroleum Ministry, the merit panel prepared earlier shall have to be cancelled and draw of lots shall have to be undertaken. Reliance is placed on the communication dated 23.06.2014, issued by the Under Secretary to the Government of India, Ministry of Petroleum and Natural Gas, referred to above, shall not apply to the instant case since the complaint presented by the complainant stands disposed of on the date of her death i.e. 30.04.2014. The complaint relates to her ineligibility and is not referable to any defect attributable to the petitioner. As such, in the given facts, complaint presented by the complainant ought to have been considered to be disposed of on the date of her demise i.e. 30.04.2014. If the complainant would have alleged any disqualification referable to the petitioner, the complaint can still be investigated, however, such is not the case here. As such, the directives issued by the Under Secretary to the Government of India, Ministry of Petroleum and Natural Gas on 23.06.2014, shall not apply to the instant matter since on the date of issuance of said directives, the complaint was stood disposed of on account of death of complainant.

6 In the facts and circumstances, this petition can be disposed of by directing Respondent-Petroleum Corporation to consider claim of the petitioner, being first empanelled candidate and take up further proceedings in accordance with the policy and regulations framed by the Petroleum Corporation.

7 Rule is accordingly made absolute. There shall be no order as to costs.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE