

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5703 OF 2013

VARSHA RAHUL PATIL
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioner : Mr. Paranjape Prakash S
ASG for Respondent No.1: Mr. S.B. Deshpande
Advocate for respondent Nos. 2 to 4: Mr. S.D.Kulkarni
Advocate for Respondent No.5 : Mr. Rakesh jain h/f Mr. D.S. Bagul

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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 21st APRIL, 2015

P.C. :-

1. The petitioner is challenging the decision of the respondent Petroleum Corporation to appoint respondent No.5 as dealer for retail sale of petroleum products. The petitioner contends that the petroleum company has awarded less marks in favour of petitioner on account of acquisition of lease hold property for setting up petrol pump. According to the petitioner, she ought to have been allotted 35 marks out of 35 equivalent to respondent No.5, however, the petroleum company has committed error in allotting her less marks.

2. An affidavit in reply has been presented on behalf of BPCL, wherein it has been stated that the petitioner has produced merely an

agreement to lease and not lease agreement and as such offer of land by the petitioner was treated as "firm offer" and she is allotted 21.5 marks, whereas respondent No.5 holds land as owner and as such she has been allotted 31.1 marks out of 35 marks.

3. On perusal of agreement, it is noticed that the petitioner has secured assurance from the owner of property to lease out the land in the event of selection of petitioner by petroleum company. On perusal of affidavit, according to us, the decision taken by the respondent petroleum Corporation in selecting respondent No.5 for the purpose of awarding dealership does not appear to be erroneous. Writ petition is devoid of substance and hence stands rejected.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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