

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

WRIT PETITION NO.5827 OF 2015

Amol s/o Raosaheb Nimse,
Age 30 Yrs. Occu. Agriculturist/Business,
r/o At Post Burhanagar, Tal.Nagar,
Dist. Ahmednagar.

...PETITIONER

VERSUS

1. The Union of India
Through the Secretary
in the Department of Petroleum, New Delhi.
2. Bharat Petroleum Corporation Limited
through the General Manager,
Sewree-Fort Road, Sewree (E),
Mumbai 400 015
3. The Chairman / Territory Manager (Retail),
Thane, Bharat Petroleum Corporation Limited
At Post Akolner, Tq. and Dist. Ahmednagar.

...RESPONDENTS

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Mr.Mahesh R.Sonwane, Advocate for the petitioner.
Mr.Rahul B.Bagul, Standing Counsel, for
respondent no.1.

Mr.S.D.Kulkarni, Advocate, for respondent nos. 2
and 3.

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CORAM: R.M.BORDE

AND

P.R.BORA, JJ.

DATE : August 24th, 2015

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

1. Heard. Rule. Rule made returnable
and heard forthwith with the consent of learned

Counsel for parties.

2. Respondent nos.2 and 3 published an advertisement in daily Lokmat dated 9/7/2014, inviting applications from eligible candidates for appointment as a Dealer for retail sale of petroleum products for location Stone No.226 to 224 on National Highway 222 LHS towards Ahmednagar, Dist. Ahmednagar, under open category.

3. The petitioner tendered an application in response to the advertisement and complied with the necessary requirements. The application tendered by the petitioner was processed and by communication dated 18.12.2014, certain objections were raised by the Petroleum Company and the petitioner was directed to comply with the objections before 8.1.2015. The petitioner contends that the communication transmitted by the Petroleum Company dated 18.12.2014, was not received by him and, as such, there was failure on his part to comply with the requirements. As a result of the failure of the petitioner to remove the objections, and comply with the procedural formalities, his application has not been considered.

4. The Counsel appearing for respondent Petroleum Company informs, on instructions, that

the process of appointment of Dealer has not been finalized. The communication placed on record by the petitioner at Exh.E, Page No.59, is a certificate issued by the Postal Department, certifying that the communication dated 18.12.2015 transmitted on 20/12/2014 has been lost in transit. It is, thus, clear that since the petitioner has not received the communication from the Petroleum Company, issuing directions to him to remove the objections, he naturally could not comply with the objections. The failure of the petitioner to remove the objections raised by the Petroleum Company in respect of his proposal is not attributable to any lapses committed by the petitioner, however, same is attributable to the lapses on the part of the Postal Department.

5. In these circumstances, and considering the fact that the Petroleum Company has not taken any final decision in the matter, we deem it appropriate to extend one more opportunity to the petitioner. If the petitioner complies with the deficiencies and objections pointed out to him in communication dated 18.12.2014, issued by the Petroleum Company within a period of three weeks from today, the Petroleum Company shall consider the proposal tendered by the petitioner along with other proposals received by the Company and shall take appropriate decision in accordance with the Regulations.

With the directions as above, writ petition is disposed of. Rule is made absolute. There shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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