

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11630 OF 2014

Sayyed Babu S/o Jaber

Petitioner

Versus

Bharat Petroleum Corporation Ltd & others

Respondents

Mr. V.J. Dixit, Sr. counsel i/by
Mr. V.D. Gunale, advocate for the petitioner
Mr. Abhijit Choudhary with
Mr. D.J. Choudhary advocate for respondent No.3
Mr. S.D. Kulkarni advocate for Respondent Nos. 1 & 2

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 24th February, 2015.

PER COURT :-

1 The petitioner is objecting to the action of respondent Nos. 1 and 2 in issuing letter of intent in favour of respondent No.3.

2 The petitioner, in pursuance to the advertisement issued by the respondents, applied for appointment as a dealer in retail sale of petroleum products for the advertised location viz. Shahu Chouk, Nanded marg, Latur. There were about 26 participants at the draw and respondent No.3 was the lucky one who was selected.

3 The petitioner has raised objection in the petition in respect of location of the site prepared by respondent No.3 for establishment of petroleum outlet. It is contended by the petitioner that the spot

offered by respondent No.3 is at a distance of 1 1/2 kms from the advertised location, whereas the place cited by the petitioner is at a nearer distance. The second objection relates to overhead high tension line passing through the plot belonging to respondent No.3.

4 So far as the second objection raised by the petitioner is concerned, the same does not survive, for the reason that, on the date of re-inspection of the location, the high tension line was found to have been shifted. So far as the first objection relating to location is concerned, admittedly, the petitioner did not tender any complaint before draw of lots. The instant petition is presented after lapse of more than six months from the date of issuance of letter of intent in favour of respondent No.3. Even considering the objection raised by the petitioner, a distance of 1 1/2 kms in the city area cannot be said to be unreasonable, so as to exclude the claim of the petitioner.

5 For the reasons recorded above, in exercise of jurisdiction under article 226 of the constitution, we do not find any reason to cause any interference in the matter.

6 The writ petition stands dismissed.

(P.R. BORA, J)

(R.M.BORDE, J)