

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

W.P.No. 363 of 2015

Ku. Pradnya d/o Vasantrao Purke vs. Union of India and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. R.L.Khapre, advocate for petitioner.

Mr. Rohit Joshi, advocate for R-2.

CORAM: B.R.GAVAI & INDIRA K. JAIN, JJ

DATE : 2.7.2015

The application of the petitioner for award of LPG Distributorship at Ralegaon is rejected on two grounds viz. i) the land offered for the godown was in the name of the petitioner's mother and as per the definition of family unit, mother would not come in the family unit; and ii) the land offered for show room at Ralegaon is concerned, there was no registered lease agreement for a period of 15 years in favour of the petitioner.

2. Mr. Khapre, learned counsel for the petitioner, relying on the Judgment of the Hon'ble Supreme Court in the case of Moumita Poddar vs. Indian Oil Corporation Ltd. and another, reported in (2010) 9 Supreme Court Cases, 291, submits that since the petitioner has now cured the defects inasmuch as in so far as

godown is concerned there is already partition deed and the land is belonging to the petitioner and insofar as the land for show room is concerned, there is a registered lease deed leasing the show room for a period of 15 years, the petitioner is entitled to get the dealership.

3. Mr. Khapre, learned counsel further submits that in the event since nobody is found eligible, the petitioner is the only person who after issuance of the advertisement, would be entitled to get the dealership.

4. Brochure requires eligibility to be on the date of application. Undisputably, on the date of application, petitioner was not qualifying the requirements. As such no error could be found with the rejection of application of petitioner. Insofar as the contention of Mr. Khapre regarding possibility of petitioner's getting dealership in the next round after the advertisement, is concerned, we are not expected to decide the petition on the basis of ifs and buts. The question would be considered at the appropriate stage in the event it arises. Petition is rejected.

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