

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

**WRIT PETITION NO. 355 of 2015**

*(Nilesh Sharad Borse Vs. Hindustan Petroleum Corporation Limited)*

**AND**

**CIVIL APPLICATION (CAW) NO. 1122 OF 2015**

*(Applicants – Sachin Arvindrao Bhope & three others )*

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Shri S. A. Chaudhari, Advocate for the petitioner.  
Shri P. D. Meghe, Advocate for the respondent.  
Shri P. S. Khubalkar, Advocate for the intervenors.

**CORAM : SMT. VASANTI A. NAIK AND  
N. W. SAMBRE, JJ.**

**DATED : 22<sup>nd</sup> SEPTEMBER, 2015**

By this petition the petitioner challenges the communication of the respondent-Corporation dated 30/12/2014 informing the petitioner that the selection of the petitioner for LPG distributorship has been cancelled as the petitioner does not have the showroom at Nagalwadi, as desired by the advertisement.

The respondent-Corporation had issued an advertisement calling applications for allotment of LPG distributorship at various locations in the State of Maharashtra. One of the locations was at Nagalwadi and the petitioner had applied for LPG distributorship at the said location. The petitioner had expressed in the application and in the documents tendered along with the same that the petitioner owned and possessed the premises for showroom at Nagalwadi. Believing on the representation of the petitioner in that regard, the respondent-Corporation accepted the candidature of the petitioner and the petitioner was selected after the draw for selection. In the field

verification, it was, however, noticed by the officers of the respondent-Corporation that the petitioner did not possess the premises for the showroom in Nagalwadi, as provided in Clause-3 of the advertisement. The selection of the petitioner was cancelled by the impugned communication.

It is submitted on behalf of the petitioner that the petitioner had secured the premises for construction of showroom on the road joining Nagalwadi to Ambazari. It is stated that the location of the premises of the petitioner is very convenient and the respondent-Corporation could not have rejected the candidature of the petitioner on the ground that the petitioner did not possess the requisite premises at Nagalwadi.

Shri Meghe, learned Counsel for the respondent-Corporation states by referring to the affidavit-in-reply of the respondent that it was found by the respondent-Corporation after the field verification that the showroom of the petitioner was not located in Nagalwadi as required by the advertisement but was situated elsewhere. It is stated that it was necessary for a candidate to possess the premises for the construction of the showroom at the advertised location. It was stated that the advertised location was Nagalwadi and hence it was necessary for the petitioner to have secured the premises at Nagalwadi before applying for the LPG distributorship.

On hearing the learned Counsel for the parties and on a perusal of the advertisement, a copy of which is tendered by the learned Counsel for the petitioner in the Court today, it appears that the respondent-Corporation has rightly rejected the candidature of the petitioner and has cancelled his selection. It is clear from the advertisement that it was necessary for a candidate to possess the premises or a showroom at the place where the LPG distributorship was required to be allotted. The petitioner had applied for Nagalwadi and hence it was necessary for the

petitioner to secure the premises for the showroom in Nagalwadi. Even, as per the documents annexed by the petitioner to the writ petition, it appears that the showroom of the petitioner is not located in Nagalwadi but is located in 'Nildoh' in Hingna tahsil. Merely because the show room was located on Nagalwadi-Ambazari road, the petitioner did not have any right to claim the eligibility. Since the petitioner does not possess the showroom at the advertised location, no fault can be found with the impugned order cancelling the selection of the petitioner.

For the reasons aforesaid, the writ petition is dismissed with no order as to costs.

In view of the dismissal of the petition, the application for intervention stands disposed of.

**JUDGE**

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