

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3706 OF 2013

SHAIKH SALIM SHAIKH CHAND
VERSUS
BHARAT PETROLEUM CORPORATION LTD. AND OTHERS

...

Advocate for Petitioners : Mr. Manish P. Tripathi.

Advocate for Respondent No.1 : Mr. S.S. Kulkarni.

AGP for Respondent No.2 : Mrs. S.S. Raut.

Advocate for Respondent No.3 : Mr. Nitin Choudhari, Advocate h/f Mr.
S.B.Choudhari.

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CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.

DATE : 9th FEBRUARY, 2016.

PER COURT:

1] Mr. Tripathi, learned counsel for the petitioner submits that the marks allotted by the respondent company to the petitioner in respect of the land owned by the petitioner is too less. In fact, 35 marks ought to have been given. However, the petitioner was allotted only 25 marks.

2] Learned counsel for petitioner further submits that the condition mentioned in Clause 11(d) is a matter of negotiation about the lease period etc. According to the learned counsel, the petitioner had filed appeal as per the guidelines. The same is also rejected without considering the objection raised by the petitioner.

3] Mr. Kulkarni, learned counsel for the respondent No.1 submits that the petitioner was required to state in the application that he is ready and willing to transfer the land to BPCL and if same is not stated, they were required to evaluate as if no land has been offered by the applicant. Respondent No. 3 is selected and he has also commissioned the retail outlet. Mr. Chaudhari, learned counsel for the respondent No.3 adopts the

arguments of the learned counsel for respondent No.1.

4] The petitioner was specifically required to state in the application that the petitioner is ready and willing to transfer the land on ownership, long term lease to BPCL, failing which they were required to be evaluated as if no land has been offered by the petitioner. Still, 25 marks have been given to the petitioner.

5] This Court would not certainly sit in appeal over the decision of the authority. It will be only concerned with the decision making process. We do not see any illegality committed by the company while allotting the retail outlet. Writ petition is without substance. Same is dismissed. No costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-