

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5335 OF 2015
WITH
CIVIL APPLICATION NO. 5190 OF 2015

Amol Jairaj Thakur

.. **Petitioner**

Versus

The Union of India,
Through the Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi – 110 001
and others

.. **Respondents**

Shri R. R. Mantri, Advocate for the Petitioner.
Shri R. B. Bagul, Standing Counsel for Respondent No. 1.
Shri Amol Joshi h/f Smt. Anjali Dube (Bajpai), Advocate for
Respondent Nos. 2 and 3.
Shri Amol Sawant, Advocate for Respondent No. 4.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 14TH JULY, 2016.

PER COURT :-

1. Mr. Mantri, the learned counsel for the Petitioner submits that, pursuant to the advertisement issued by Respondent No. 2 Petitioner had applied for L. P. G. distributorship. The Petitioner complied with all the conditions however candidature of the Petitioner was rejected on the ground that the lease period of the Petitioner was falling short by few days. The learned counsel submits that, the Petitioner had approached this court on account of rejection of his candidature however the writ petition was dismissed. In similar set of facts this court at Nagpur took a

different view. At the relevant time Respondent No. 2 had agreed that the applicants whose candidature were rejected on the ground that the lease period was falling short would be considered. The learned counsel fairly states that, subsequently even Review Petition was rejected, however, the Judgment of the Nagpur Bench has been confirmed by the Apex Court in as much as the S. L. P. has been withdrawn. According to the learned counsel, the Petitioner ought to have been considered. Mr. Mantri, the learned counsel further submits that, the father of Respondent No. 4 was working as a Manager at M/s. Dhuliya Gas Agency. The distributorship / dealership of the said M/s. Dhuliya Gas Agency was terminated for malpractice. The Respondents are not transparent and are not coming forth with the reasons for cancellation of the said distributorship of M/s. Dhuliya Gas Agency. Though, the proprietor of the said gas agency was different, the father of the present Respondent No. 4 was working as the Manager and in normal course it is the Manager who looks after day to day functions of the agency. The Respondent No. 4 at the relevant time was a member of his fathers family. In view of clause 6.1 of Selection Guidelines the Respondent No. 4 was disqualified. The Respondent / Corporation has not considered this aspect in its correct perspective. As such, the distributorship given to Respondent No. 4 deserves to be quashed and set aside.

2. We have heard the learned counsels for Respondents also.

3. As far as the first ground is concerned the same has attained the finality and so also in view of the subsequent allotment of dealership to Respondent No. 4 the said ground would not survive. As far as the second ground is concerned it is replied by the Corporation vide its reply dated 19th December,

2014 to the complaint filed by the Petitioner that the father of the Petitioner was not the Proprietor or owner of M/s. Dhuliya Gas Agency but was only working as a Manager and clause 6.1 lays down that the applicant should not be a signatory to distributorship / dealership agreement terminated on account of sole proprietorship of any oil company or not having resigned in order to transfer the dealership / distributorship in favour of any of his / her family members as defined in the Dealer / Distributor Selection Guidelines.

4. In view of the above, even if, we accept the contention of the Petitioner that Respondent No. 4 would be a family member of his father Mr. Dilip Panju Patil still clause 6.1 taken in its entirety would not disqualify Respondent No. 4.

5. In light of the above, the grievance of the Petitioner cannot be considered. The Writ Petition is accordingly disposed of. No costs.

6. In view of disposal of Writ Petition, Civil Application also stands disposed of.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/July.16