

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10278 OF 2013

Dhananjay S/o. Baban Kamble

.. **Petitioner**

Versus

Bharat Petroleum Corporation Ltd.,
Through Territory Manager (LPG),
Territory Office, Solapur LPG Bottling Plant
at Chinchol MIDC A/P Sawleshwar
and another

.. **Respondents**

Shri P. R. Katneshwarkar h/f Shri R. D. Raut, Advocate for the
Petitioner.

Shri S. D. Kulkarni, Advocate for Respondents.

WITH
CIVIL APPLICATION NO. 8994 OF 2016

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 28TH JUNE, 2016.

PER COURT :-

1. The learned counsel for the Petitioner states that, pursuant to the advertisement issued by the Respondents the Petitioner applied for the L. P. G. Distributorship. The Petitioner was selected. Even, letter of intent was issued in favour of the Petitioner. Subsequently on 22nd September, 2013 show cause notice was issued to the Petitioner suggesting withdrawal of letter of intent for non fulfillment of the terms and conditions of the said letter of intent. The learned counsel submits that, the Petitioner had given the property which was standing in the name of his family unit. However, because of the subsequent event the

problems cropped up. The Petitioner gave his own property. However, at the relevant time the Petitioner had an unregistered sale deed in his favour. Subsequently the said vendor has executed registered sale deed in favour of the Petitioner and the said registered sale deed would revert back to the date of agreement of sale. The learned counsel relies on the judgment of the Apex Court in a case of, **A. Jitendernath V/s. Jubilee Hills Coop. House Bld. Soc. And antoher** reported in **2006 (10) SCC 96.**

2. Mr. Kulkarni, the learned counsel for the Respondents, states that, the Petitioner is required to possess and own the land prior to the cut off date i.e. on the date of application. The registered sale deed executed subsequently would not be of any assistance to the Petitioner. However, the Petitioner may approach the authorities in that regard.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. Considering the subsequent event i.e. registered sale deed being executed in favour of the Petitioner it would be appropriate for the Petitioner to approach the Respondents by making an appropriate application / representation and filing the necessary documents. The said application / representation shall be filed within a period of two (2) weeks from today. The Respondents shall consider the said application / representation expeditiously, on its own merits, in accordance with law, within three (3) months. The Petitioner may present himself before the authorities and is entitled to place on record all the relevant facts and the position of law.

5. Till the time the decision is taken by the Respondents upon the application / representation of the Petitioner the impugned show cause notice shall not be acted upon.
6. In case, the representation / application of the Petitioner is not considered positively by the Respondents liberty to the Petitioner to assail the same.
7. The Writ Petition is accordingly disposed of. No costs.
8. In view of disposal of Writ Petition, Civil Application also stands disposed of.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/June.16