

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6711 OF 2014

Harshal Kisanrao Chavan

Petitioner

Versus

The Union of India & others

Respondents

Mr. Kulkarni Shripad S. Advocate for the petitioner.
Mr.S.B. Pulkundwar, Assistant Govt. Pleader for State
Mr.S.B. Deshpande, Assistant Solicitor General for respondent No.1
Mr. Alok Sharma Advocate for Respondent No.2

CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ

Dated : 29th FEBRUARY, 2016.

PER COURT :-

1 The petitioner is objecting to the order passed by the respondent Petroleum Company, holding him ineligible to participate in the process of allotment of distributorship of Liquid Petroleum Gas (LPG) at Mantha location.

2 One of the conditions mentioned in the Regulations is in respect of maintenance of Rs.10,00,000/- (Rupees Ten lakhs) deposit for urban/rural markets as the closing balance as on the last date for submission of application as specified in the

advertisement or corrigendum. It was noticed that, the petitioner did not fulfill the requirement of maintaining the minimum balance. The petitioner contends that, his investment in Employees Provident Fund (EPF) should be taken into consideration for holding that, he maintains the requisite balance in the account. However, as per the advertisement, the balance maintained in PPF(Public Provident Fund) is admissible, whereas the relevant clause does not refer to amount invested in EPF. The petitioner maintains some amount in the EPF account and excluding the aforesaid amount, the balance maintained by the petitioner in the account falls short of Rs.10 lakhs.

3 In view of above, the decision taken by the Petroleum Company, holding the petitioner ineligible to participate in the process, appears to be reasonable and correct and in consonance with the Regulations framed by the Company. The petitioner contends that, in accordance with clause 8.5, he ought to have been extended opportunity to remove the deficiencies. The aforesaid clause is not referable to inherent disqualification or deficiencies provided under clause 6.1 (vi). The requirement is in respect of maintaining the requisite balance in the account on the last date of submission of the application as specified in the advertisement or corrigendum. The very nature of the

requirement relating to the eligibility conditions is not liable to be dispensed with and cannot be cured at a later point of time after submission of the application.

4 The petition is devoid of substance and stands rejected.

5 Pending Civil Application does not survive and stands disposed of.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)

vbd