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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION No. 191 OF 2015
WITH
CIVIL APPLICATION No. 34 OF 2016

Dattatray Narhar Rajopadhye ... Petitioner
Vs.
M/s. Hindustan Petroleum
Corporation Ltd. & Ors ... Respondents

Mr. G. S. Jadhav i/b Raju D. Surywanshi, for the Petitioner.
Mr. Minoo Siodia i/b Rustomji & Ginwala, for the Respondent No. 1.
Mr. Harshad Bhadbhade, Siddharth Mehta, for the Intervenor.

CORAM : V. M. KANADE, &
Mrs. SWAPNA S. JOSHI, JJ.

DATE : SEPTEMBER 22, 2016

PC.

1. Heard the learned counsel appearing on behalf of the Petitioner and the learned counsel appearing on behalf of Respondent No. 1 – M/s. Hindustan Petroleum Corporation (for short “HPCL”). We have also heard the learned counsel appearing for the Intervenor, in whose favour allotment of the retail outlet has been made by the HPCL.

2. The Petitioner is challenging allotment of the retail outlet

made by the HPCL in favour of the Intervenor. He is seeking appropriate writ, order and direction to cancel the allotment of retail outlet situated at village Lote, taluka Khed, district Ratnagiri. It is submitted that this allotment is made without following the guidelines, which have been prescribed for the purpose of allotment of retail outlet. Secondly, it is submitted that this outlet is within the distance of 75 mtrs. from the National Highway. He submitted that the guidelines which are framed by the authorities indicate that the distance between retail outlet and the highway should be at least 1000 mtrs. He invited our attention to the survey made by the Tahsildar, which indicates that the outlet is situated at a distance of 75 mtrs. from the Highway. He submitted that the said allotment which has been made in favour of the Intervenor may be cancelled. It is further submitted that the retail outlet is situated in an area where there are number of chemical factories and it is hazardous to have a petroleum outlet in such an area. It is submitted that no NOC has been obtained from the Chief Controller of Explosion.

2. The learned counsel appearing for Respondent No. 1 – HPCL has submitted that he has filed a detailed affidavit in reply. He submitted that the Petitioner is a chartered accountant, and as such, he is not concerned in any way with the allotment of retail outlet, which is situated at village Lote, taluka Khed, district Ratnagiri. Secondly, it is submitted that permissions from all the authorities have been obtained. He has invited our attention to the permissions which have been granted by all the concerned authorities. These permissions are

annexed to the affidavit in reply filed by the HPCL. It is submitted that the contention of the Petitioner that NOC from the Chief Controller, Explosion is not obtained, is not correct. He has invited our attention the said NOC. It is further submitted that National Highway authorities also granted NOC for setting up the retail outlet.

3. Lastly, it is submitted that the entire process of allotment was over before the Petition was filed and in fact the retail outlet has started functioning from 6.11.2015. The learned counsel further submitted that this petition / PIL was filed on 10.4.2015 and the copy of the petition was served on 27.11.2015, on the HPCL.

4. We have perused the permissions which have been granted by all the authorities. It is, therefore, not possible to accept the submissions made by the learned counsel appearing on behalf of the Petitioner that the allotment of the retail outlet was without obtaining permission from the requisite authority. Secondly, we are of the view that there is no public interest involved in the present case, since the case of allotment of retail outlet is made out by the HPCL. We are, therefore, not inclined to entertain this petition as PIL. Even otherwise, the contentions raised by the Petitioner in this PIL are without any substance. PIL is, therefore, dismissed.

5. In view of dismissal of the PIL, Civil Application No. 34 of 2016 filed therein does not survive and is accordingly disposed of.

Sd/-

[Mrs. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]