

hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5532 OF 2016

Shilpa Raghunath Auradkar ... Petitioner

Versus

Indian Oil Corporation Limited and anr. ... Respondents

Mr. Priyal Sarda for the petitioner.

Mr. Chirag Modi i/by Ashok Purohit & Co. for respondent no. 1.

Mrs. R.M. Shinde, AGP for respondent no. 2.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : OCTOBER 15, 2016.**

P.C.

Parties through their counsel.

2. Petitioner had applied for LPG distributorship of respondent Corporation for the location of Solapur. Respondent no.1 vide letter dated 18.6.2014 informed the petitioner that she has been selected for the said location. Since the petitioner failed to construct godown and showroom, within time specified in the Letter of Intent (LOI) dated 16.12.2014, the first respondent cancelled the LOI issued to the petitioner for the LPG distributorship at the said location.

3. Feeling aggrieved, the petitioner had filed this petition. It has not been disputed by the petitioner that within the initial period as also within the extended period, the petitioner could not make available the requisite facilities for opening of the LPG godown/showroom. However, it is the case of the petitioner that subsequent to the extended periods, the petitioner has completed the work and now the godown/showroom is complete in all respects. Learned counsel for the petitioner submits that the petitioner is a lady and has invested huge amount and has now constructed the godown/showroom. In the circumstances, the order of termination be quashed and she be allowed to run LPG distributorship.

4. Learned counsel for the respondents on instructions has stated that the petitioner was granted sufficient opportunities by extending the period and as such the impugned termination order was passed.

5. Having considered the submissions made by the parties and having gone through the averments made in the petition, we find that the petitioner has now raised the construction by spending substantial amount. We also find that till date no advertisement

has been issued for granting the distributorship to others for the said location. In the circumstances, we are inclined to dispose of this petition by directing the competent authority of the respondent No. 1 to re-examine the entire issue and in case, it is feasible to allot the said LPG distributorship at the said location which according to petitioner is now ready, appropriate decision to that effect be taken. Needless to say that we have not expressed any opinion about the merits of the matter and the respondent no. 1 shall be free to decide the matter keeping in view all aspects of the matter, more particularly, keeping in view the fact that till date the fresh distributorship has not been issued in the said location and no third party interest has been created in regard to that location. It is also made clear that while taking the fresh decision, the respondent no.1 shall not be influenced by their earlier decision of termination of the LOI.

6. Petition stands disposed of accordingly.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)