

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7557 OF 2016

Netra R. Ballamwar.

..Petitioner.

Versus

Hindustan Petroleum Corporation
Limited & Others.

..Respondents.

Mr. K. S. Dewal i/b R. S. Tanna for the Petitioner.

Mr. Minoo Siodia i/b M/s Rustamji & Ginwala for Respondent No. 2.

Mrs. N. V. Masurkar i/b Arun Kumar Roy for Respondent No. 1.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 22, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By the impugned order, the Petitioner's candidature for LPG distributorship near Police Station at Shahapur is rejected.

2. The Petitioner applied for the LPG distributorship in the prescribed format on 25th October 2013. Copy of the application is annexed to the petition at page 21. Clauses 9 and 10 of the said application reveals that for godown purpose, the Petitioner has identified land bearing Gat Nos.166 and 370 at village Shilottar, taluka Shahpur and for show-room purpose, the Petitioner has identified land bearing Survey No. 136 village Cherpoli, taluka Shahpur. It is pertinent to note that the

Petitioner has not stated in this application that both these locations are situated near Police Station at Shahapur.

3. Learned Counsel appearing for the Petitioner submitted that as far as the godown is concerned, the Petitioner selected the premises at village Shilottar and distance between Shilottar and Shahapur is as per the guidelines. So far as the show-room is concerned, the same is proposed at Cherpoli and the distance between Cherpoli and Shahapur is less than one kilometer. He also submitted that village Cherpoli is within the jurisdiction of Shahapur Police Station.

4. The learned Counsel appearing for the Respondent No.1 opposed the petition. He relied upon clause 6(1)(viii) of the Dealer Selection Guidelines 2013 to contend that the Petitioner's candidature for distributorship is rightly rejected.

5. Having considered the rival submissions, we find that Shahapur is Nagarpalika and Cherpoli is different revenue village. The jurisdiction of Shahapur Police Station extends to the entire Shahapur Taluka. The village Cherpoli is therefore bound to come within the jurisdiction of Shahapur Police Station. The village Cherpoli is one of the village in taluka Shahapur. By no stretch of imagination it can be said that the location of show-room at Cherpoli is near the Police Station at Shahapur. Clause 6(1)(viii) of the Dealer Selection Guidelines 2013 read as under :

“Own a suitable shop of minimum size 3metres by 4.5 metre in dimension or a plot of land for construction of showroom of minimum size 3 metres by 4.5 metre as on the last date for submission of application as specified in the advertisement or corrigendum (if any) at the advertised location or locality mentioned in the advertisement. It should easily accessible to general public through a suitable approach road”

. The above guidelines as well as the advertisement do show that the location of show-room has to be necessarily near Shahapur Police Station. The location of show-room suggested by the Petitioner is not in compliance with the advertisement. In that view of the matter, the candidature of the Petitioner is rightly rejected. We do not find any merit in the writ petition and hence the same is dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]