

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3380/2016
(PRAGATI GHANSHYAM GAJBHIYE **VERSUS** UNION OF INDIA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Gour, Advocate appointed by the Legal Aid for the petitioner.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JUNE 20, 2016.

By this writ petition, the petitioner seeks a declaration that the revised policy of reconstitution of the Retail Outlet (R.O.) Dealership effective from 01.12.2008 is in breach of the provisions of Article 14 of the Constitution of India. The petitioner has challenged the grant of Petroleum Retail Outlet in favour of the respondent no.3.

In 2005, the respondent no.2-Hindustan Petroleum Corporation Limited had invited applications for grant of petroleum retail outlet in Warthi, District Bhandara. The petitioner, the respondent no.3 as well as others applied for dealership from the Scheduled Caste-Women Category. The respondent no.3 was selected in the year 2006 and a letter of intent was granted in her favour in the year 2008. It is the case of the petitioner, that the Oil Company revised the policy guidelines and made certain changes. According to the petitioner, in terms of the changed guidelines, the dealership could not have been continued in favour of the respondent no.3. However, the same was continued. In the aforesaid set of facts, the petitioner has approached this Court for a declaration that the modified conditions are bad in law and it be declared that the respondent no.3 would not be entitled to the dealership.

The petitioner is challenging the grant of dealership in favour of the respondent no.3 in the year 2006 by filing the writ petition on 14.03.2016. The petitioner and the respondent no.3 had applied in pursuance of an advertisement issued in the year 2005 and the respondent no.3 was selected and the dealership was granted in her favour. The case of the petitioner that as per the modified guidelines, the respondent no.3 would not be entitled to continue with the dealership is liable to be rejected. There is an inordinate delay on the part of the petitioner in approaching this Court. Also, we do not find any good ground for interfering with the action on the part of the respondent no.2 in awarding the dealership to the respondent no.3, in the year 2006.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

Since the learned counsel was appointed by the Legal Aid Committee, the fees payable to the learned counsel are quantified at Rs.3,000/- (Rupees Three Thousand). The same would include the drafting fees, fees for preparing the papers and fees for arguments.

Order accordingly.

JUDGE

JUDGE

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