

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2379 OF 2015

(Manoj Kumar s/o Girdharlal Soni vs. Hindustan Petroleum Corporation Ltd. And others)

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

Shri Amol Mardikar, Advocate for petitioner.

Shri P.D. Meghe, Advocate for respondent nos.1
and 2.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JULY 28, 2016

Adv. Mardikar appearing for petitioner submits that adjudication in Writ Petition No.3356/2014 by this Court (Nagpur Bench) on 9/10/2014 cannot upset issuance of letter of intent in favour of petitioner. He is relying upon interim order passed in that writ petition on 8/7/2014 to submit that as this Court permitted allotment of outlet and process to continue further, grant of letter of intent to petitioner is already protected.

Adv. Meghe on behalf of respondent nos.1 and 2 submits that letter of intent itself carries a stipulation that it is subject to adjudication of challenge then pending before this Court, i.e. subject

to adjudication of Writ Petition No.3356/2014. The said writ petition along with bunch of writ petitions was allowed by this Court. Similar challenge at Bombay filed by one Ganesh Dnyaneshwar Kamble was dismissed. He further states that similar challenge was also raised before Aurangabad Bench of this Court and Bench at Aurangabad has also dismissed writ petition vide judgment dated 11/12/2014 in Writ Petition No.9467/2014.

All these judgments were then questioned before Hon'ble Apex Court. In the meanwhile, on 21/1/2015 Ministry of Petroleum and Natural Gas, Union of India took a policy decision and said policy decision was pointed out to Hon'ble Apex Court. In view of that policy decision, special leave petitions filed against all these judgments were disposed of. Adv. Meghe contends that thus Hon'ble Apex Court has permitted respondent nos.1 and 2 to proceed further as per that policy decision.

After hearing respective Counsel, we find that interim order dated 8/7/2014 in Writ Petition No.3356/2014 expressly stipulates that it is subject to final orders in writ petition. It has been directed that no final order would be passed without prior permission of the Court in pending Writ Petition No.3356/2014. That writ petition was ultimately

allowed on 9/10/2014, with the result, letter of intent issued to petitioner automatically stood quashed.

At Bombay and Aurangabad, the action taken by respective Oil Companies was upheld, but then after above mentioned order of Hon'ble Apex Court in Special Leave Petition (Civil) No.20708/14, Special Leave Petition (Civil) Nos.2756/15 – 2797/2015 as also Special Leave Petition Nos. 6510/2015 – 6530/2015, the said orders lose their relevance.

In fact, in Special Leave Petition Nos.2756-2759/2015 the Oil Company informed Hon'ble Apex Court that no letter of intent was issued to any of the third parties. Situation before us is not different. Here though letter of intent was issued, it was subject to further orders and as such, not complete and executable.

In this situation, it is apparent that respondent nos.1 and 2 have to abide by directions of Hon'ble Apex Court in the matter.

No case is made out by the petitioner warranting interference. The writ petition is, therefore, rejected. No costs.

JUDGE

JUDGE

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CERTIFICATE

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Kamal H. Jeswani
Private Secretary

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29/07/2016