

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

WRIT PETITION NO.3070 OF 2016

[M/s. Suprabha Bharat Gas and one .vs. Union of India and others]

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

Court's or Judge's orders

Shri M.R. Pillai, counsel for the petitioners,
Shri A.M. Quazi, counsel for respondent no.3.

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

DATED : JULY 04, 2016.

By this writ petition, the petitioners seek a direction against the respondents not to grant the LPG distributorship at Butibori, Nagpur in pursuance of the advertisement, dated 29.9.2013 to anybody.

Three oil companies, that is Hindustan Petroleum Corporation Limited, Indian Oil Corporation Limited and Bharat Petroleum Corporation Limited had floated an advertisement, dated 29.9.2013, inviting applications for LPG distributorship in Butibori. In pursuance of the said advertisement, the petitioner no.1 secured the LPG distributorship from Bharat Petroleum Corporation Limited on 2.12.2014. Similarly, the petitioner no.2 was granted the LPG distributorship at Butibori by Indian Oil Corporation Limited on 18.5.2015. The Hindustan Petroleum Corporation Limited, the party-respondent to this petition, was not able to grant the LPG distributorship at Butibori to any applicant due to a litigation between Hindustan Petroleum Corporation Limited and some of the applicants and the Hindustan Petroleum Corporation. Now, after the litigation is brought to an end, the Hindustan Petroleum Corporation Limited has proceeded further for appointing its distributor in Butibori by

completing the process that was initiated in pursuance of the advertisement, dated 29.9.2013 for which the petitioner no.1 and 2 came to be appointed by two other oil companies. The present petition has been filed by the petitioner nos.1 and 2 mainly on the ground that there would be unhealthy competition if the Hindustan Petroleum Corporation Limited grants the distributorship in Butibori in pursuance of the advertisement, dated 29.9.2013. It is the case of the petitioners that the petitioner no.1 has only 3000 refills and the petitioner no.2 has 1300 refills and if a new distributor is appointed, their capacity may not be increased till the permissible limit.

On hearing the learned counsel for the parties, we find that there is no merit, whatsoever, in the claim of the petitioners. Three different oil companies, that are named hereinabove, had floated the advertisement on 29.9.2013 seeking applications for LPG distributorship in Butibori, as each of the three companies had desired to appoint a separate distributorship. Two of the companies, that is Bharat Petroleum Corporation Limited and Indian Oil Corporation Limited appointed the petitioner nos.1 and 2 as their distributors by the order dated 2.12.2014 and 18.5.2015, whereas the Hindustan Petroleum Corporation Limited, the respondent-herein, could not complete the process of selection in view of the pending litigation. As soon as the litigation came to an end, the respondent-Hindustan Petroleum Corporation Limited again restarted the selection process from the stage at which it was stopped due to the litigation. It is in pursuance of the advertisement dated 29.9.2013 that the Hindustan Petroleum Corporation Limited is appointing a LPG distributorship in Butibori as the three oil companies are different and each of them had issued the advertisement on 29.9.2013 with a view to appoint a separate distributorship for each of them. The petitioners cannot be permitted to seek a mandamus

against the respondent-Hindustan Petroleum Corporation Limited so as to restrain it from proceeding further in pursuance of the advertisement, dated 29.9.2013 as the petitioners have no right whatsoever to seek the relief that is claimed in the instant petition.

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

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