

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2016 OF 2016

**SANJAY BALCHAND PANCHLORE
VERSUS
THE UNION OF INDIA AND OTHERS**

...

Advocate for Petitioner : Ms.Pradnya S. Talekar and Mr.U R Awate.

AGP for Respondents/ State : Mrs.Vaishali Patil- Jadhav.

Advocate for Respondent 2 : Shri Sanket S. Kulkarni.

Advocate for Respondent 3 : Shri A.B.Kadethankar.

Advocate for Respondent 4 : Shri Swapnil D. Tawshikar.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 29th June, 2017

PC.:

1 After this petition was argued for sometime, we expressed our opinion to Ms.Talekar, learned Advocate appearing for the Petitioner, that we are not inclined to interfere with the decision of Respondent No.2/ Corporation in terminating the Petitioner's dealership.

2 The only request then made by Ms.Talekar is that if Respondent No.2/ Corporation issues a fresh advertisement, then, merely because the said Corporation has terminated the existing dealership, should not come in the way of the Petitioner applying again or his application if compliant in all respects, the Corporation should consider his application for grant of dealership.

3 On this point, we are of the view that the Petitioner is placed in the peculiar circumstances. He was awarded the dealership in the year 2011 by Respondent No.2. His acts and which he allegedly committed are of 2012. The termination comes into effect vide the impugned order dated 28.01.2016 and to be precise from the date the Petitioner receives the same. The Petitioner having successfully managed the outlet for all this time, we are of the opinion that his request should not be prejudiced in a fresh round only because the termination was effected and in regard to the earlier arrangement / distributorship by making an allegation against the Petitioner and set out in the show cause notice. We are of the opinion that if the Petitioner has demonstrated his financial capacity and has immovable property which belongs to him, then, on all compliances being made and the Petitioner, if otherwise eligible, his request for grant of dealership be considered afresh on it's own merits and without being influenced by the earlier order.

4 The Writ Petition is, accordingly, disposed of.