

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

WRIT PETITION NO.2660 OF 2014

Nizam Jainuddin Shaikh,
Age : 36 years, Occ. Business,
r/o. Jain Hind Saw Mill,
Subhash road, Beed ..Petitioner

Vs.

The Union of India,
Through the Secretary,
Ministry of Petroleum and
Natural Gas,
Government of India,
New Delhi
and anr. ..Respondents

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Mr.H.V.Tungar, Advocate for petitioner

Mr.S.D.Kulkarni, Advocate for respondent no.2

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**CORAM : T.V. NALWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 22, 2017**

PER COURT :

Heard.

2. This petition challenges the communication dated 08.02.2014 issued by respondent no.2 informing the petitioner that he

was not found eligible for giving L.P.G. Distributorship. The reason stated in the communication is that the petitioner does not have minimum funds of Rs.15 Lakhs as per the advertisement dated 29.09.2013.

3. The learned Counsel for the petitioner submits that along with the application form for L.P.G. distributorship, the petitioner had submitted the Income Tax Return, in which he had mentioned that in the relevant year, he had paid a premium of Rs.99,858/- towards L.I.C. policy. He submits that the account extract of his bank account was produced and entry dated 21.10.2013 shows that on that date, an amount of Rs.5,58,394/- was the balance in his account. The learned Counsel for the petitioner submits that though he had not annexed with the application, the documents to show that he has purchased at least six policies and as against those policies, he was entitled to get loan or Rs.4.35 Lakhs as he

had paid premium of Rs.7.14 Lakhs and there was vested bonus of Rs.5,63,600/- to his credit.

4. It can be said that in view of the conditions mentioned in the advertisement, the petitioner could have shown that he was having afore-said amount with L.I.C. and he could have obtained surrender value of the required amount. Though it appears that such record may be with the petitioner, the fact remains that the petitioner did not annex such record with the application for L.P.G. distributorship, as it was necessary for the petitioner to show before the cut-off date, that he was having an amount of Rs.15 Lakhs, as mentioned in the advertisement.

5. The learned Counsel for the petitioner submits that an opportunity needs to be given to the petitioner to satisfy the respondent on this point and, therefore, the impugned communication may be set aside.

6. This Court holds that such order cannot be made as the eligibility condition was to be satisfied before the cut-off date. In that view of the matter, this court holds that no relief can be granted to the petitioner. The petition is devoid of substance.

7. The Writ Petition stands dismissed. Interim relief granted earlier, if any, stands vacated.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp