

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

WRIT PETITION NO. 3298 OF 2013

**BABASAHEB SOPANRAO JADHAV
VERSUS
THE UNION OF INDIA AND OTHERS**

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Mr.S.S.Tope, Advocate for petitioner

Mr.S.D.Kulkarni, AGP for respondent nos.2 and 3

Mr.N.T.Tribhuwan, Advocate for respondent no.4

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : MARCH 20, 2017

PER COURT :

Heard Mr.Tope, learned Counsel for the petitioner. He canvassed submissions with regard to the illegalities committed by the respondent nos.2 and 3 in giving marks to respondent no.4 for allotment of dealership of B.P.C.L. and issuing the Letter of Intent.

2. We have also heard Mr.Kulkarni, learned Counsel for respondent nos.2 and 3.

3. The petitioner namely, Babasaheb Sopanrao Jadhav, who had submitted proposal pursuant to the advertisement for allotment of retail outlet of B.P.C.L., is no more and is dead. It is not a case that his proposal was accepted. Said Babasaheb was merely given offer for allotment of the retail outlet.

4. The advertisement was an invitation to offer. Pursuant to the said invitation, deceased Babasaheb had submitted a proposal, but before the proposal could have been accepted Babasaheb died. Due to the death of Babasaheb, the proposal itself stood revoked in view of Section 6(4) of the Indian Contract Act. The legal heirs of the petitioner – Babasaheb would have had right to agitate if the proposal of the deceased Babasaheb was accepted by respondent nos.2 and 3. Unless and until, the same is accepted, no rights and liabilities would flow amongst the parties.

5. In view of the above, the grievance of the petitioners cannot be considered. The Writ Petition stands dismissed. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

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