

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 870 OF 2015

Sou. Shukla Vitthal Devale. ...Petitioner.

vs.

Bharat Petroleum Corporation Ltd. ...Respondents.
and ors.

Mr. Manoj P .Patil for the Petitioner.

Mr. Deepak Waghanbore i/by Mr. Gunratan Sadavarte for
Respondent No.3.

Mr. Shivprasad R. Page for Respondent Nos. 1 and 2.

CORAM : R.M. BORDE AND
A.S. GADKARI, JJ.

DATE : 20th January, 2017

PC:

The petitioner is objecting to the decision taken by the Petroleum Company in respect of the allotment of the retail out let in favour of respondent No.3. The petitioner and respondent No.3 tendered an applications in pursuance of the advertisement issued by the Petroleum Company for allotment of outlet for retail sale of the petroleum products. During the draw, respondent No.3 was found to be successful and has been issued letter of intent. The petitioner submits that respondent No.3 does not fulfill the requirement laid down by petroleum company, in the regulations formed for aforesaid purpose. The petitioner therefore, raised an objection as regards the site

proposed by respondent No.3 for setting up retail outlet. The objection raised by the petitioner was considered by the grievance cell set up by the petroleum company and the same has been turned down. It has been specifically observed by the grievance cell in its decision that inspection of the site was conducted and it was found that the distance of the showroom and the godown is as per prescribed norms. It has also been recorded in the order that the Sub Divisional Officer, P.W.D. and Tahsildar have confirmed that road leading to the godown is suitable for heavy vehicles and open all round the year. It has been further recorded that the Junior Engineer, MSEDCL has confirmed that electrical lines and poles are outside the plot of land offered for godown by the applicant. Since the objections raised by the petitioner were found to be unsustainable by grievance cell during inquiry in exercise of the jurisdiction under Article 226 of the Constitution of India, no interference in the findings of facts recorded while taking administrative decision is called for. The objections touching to the merits of the decision needs fact finding exercise which may not be required to be done by the High Court in exercise of the extraordinary jurisdiction conferred under the Constitution. It is for the petroleum company to verify the suitability of the site and

even if any defects are noticed at later stage petroleum company is invested with ample powers to take appropriate decision to safeguard its commercial interest. No interference is called for. Petition is devoid of any merits and is accordingly dismissed.

(A.S.GADKARI, J.)

(R.M. BORDE, J.)