

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6503 OF 2015

Archna Abasaheb Patankar

...Petitioner

vs.

Indian Oil Corporation Ltd. and Ors.

...Respondents

Mr. S.B. Deshmukh a/w. Mr. Ajinkya Udane, for the Petitioner
Mr. Sunil Gangan a/w. Mr. Shantanu Kalekar and Mr. Jayesh
Mestry i/b. RMG Law Associates, for the Respondent Nos. 1 to 3.

**CORAM : SHANTANU KEMKAR &
G.S. KULKARNI, JJ.**

DATE : DECEMBER 04, 2017

P.C.:

. By filing of this Petition under Article 226 of the Constitution of India, the Petitioner has challenged the order dated 27th March, 2015 (Exhibit "C") as also the order dated 30th April, 2015 (Exhibit "F") by which the Petitioner has been declared ineligible for LPG Distributorship at location "Patan", Tal. Patan, District Satara under "Open" Category.

2. Briefly stated in pursuance to the advertisement dated 29th September, 2013, the Petitioner submitted application for grant of LPG Distributorship in her favour. After following the procedure for selection, the Petitioner was declared selected in the draw held on 7th August, 2014 and hence qualified for the field verification of

the credentials given by her in the application form.

3. During the Field Verification of credentials, it was noticed by the field verification officer of the Respondents that the Petitioner had offered Survey number 242 for showroom and Survey number 246 for godown but Survey number 242 was not belonging to the Petitioner or her family member. Following is the operative part of the order by which the Petitioner's claim has been rejected.

1. You have offered a plot at Khasra/Milkat No.242, PATAN, for development of LPG Showroom in item No. 10 of the application. AS per the details provided in your application said land is shown as belonging to your Mother; however during the FVC it was observed that the said land was belonging to other persons outside family unit.

2. As per the brochure & policy guidelines for LPG distributorship, during FVC the verification of information given in the application form by the applicant is done by cross checking with the original documents/issuing authority wherever required. If during the FVC, it is found that information given in the application is at variance with the original documents, then the candidature of the selected candidate in such a case will be cancelled and 10% of the security deposit will be forfeited”.

4. According to the Petitioner, with the application form, she had submitted the documentary evidence of Survey No. 246 claiming the LPG Distributorship on it whereas only at one place due to oversight and handwriting mistake which was *bonafide*, she mentioned survey No. 242. According to her not a single document

was submitted with the application to claim the Distributorship on Survey No. 242. In the circumstances, according to the Petitioner, throughout her case was that she was claiming the land bearing survey No. 246 belonging to her and not Survey No. 242. It is also the case of the Petitioner that, she is having more than required land at survey No. 246 regarding to which even the field verification is in her favour.

5. The learned counsel for the Respondents have filed reply and supported the impugned order of rejection and prayed for dismissal of the Writ Petition.

6. We have heard learned counsel for the parties, gone through the averments made in the Petition and reply as also the documents filed by the parties.

7. Having considered the submissions made by the learned counsel for the parties, we are of the view that the impugned orders by which the Petitioner's claim is rejected is based on the technicalities. The Respondents have failed to consider that the mention of survey number 242 is only at one place which was clearly a *bonafide* mistake. The documents which have been filed by the Petitioner along with the application form were in support of her case that Survey No. 246 belongs to her for

which she is claiming the allotment of the LPG outlet, about which the field verification is in her favour.

8. In the circumstances, the Respondents failed to see that the Petitioner had never claimed Distributorship on the basis of the “documents” in respect of survey number 242 on the other hand her claim was based on the survey number 246 supported with the documents relating to the said survey number 246.

9. Thus, in our considered view the mistake of mentioning in the application form at one place about survey No. 242 appears to be *bonafide* and deserves to be condoned in the facts and circumstances of the case.

10. As a result, we allow the Petition and direct the Respondents to proceed with the draw in which the Petitioner was selected and issue necessary letter of intent in favour of the Petitioner.

11. All the subsequent actions taken after filing of this Petition stands automatically quashed.

12. The Petition is disposed of as such.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)