

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10299 OF 2014

Tousif Ahmad Dastgir Mulla ... Petitioner

V/s.

Union of India & ors. ... Respondents

Mr. D.V. Sutar for the petitioner.
Mr. S.R. Page for respondents 2 and 3.
Mr. S.S. Salunkhe for intervenor.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE, JJ.**

7th June, 2017.

P.C.

The petitioner participated in the selection process of LPG distributorship at Solapur, of Bharat Petroleum Company Ltd. The petitioner's application came to be rejected by the company. In a communication made by the Territory Manager (LPG), Solapur LPG Territory for Bharat Petroleum Corporation Ltd. Dated 10th September, 2014 it was informed to the petitioner that company observed variance in the application which reads as under:

“ You and members of your family unit do not have minimum funds of Rs.15 lakh as on last date of submission of application i.e. 29.10.2013.”

2. Learned Counsel appearing for petitioner submits that on the date of filing of application, petitioner in his Savings Account of “Indian Bank” had balance of Rs.15 lakhs. The petitioner had also submitted two fixed deposit receipts in the joint name of one Mr. Babasaheb Dattatray Naik and the petitioner. Both these fixed deposit receipts were drawn in the sum of Rs.15 lakhs. Learned Counsel, therefore, submits that petitioner had sufficient amount as required by the company in his account. His application was wrongly rejected by the company.

3. Learned Counsel appearing for respondent company submitted that in view of the terms and conditions the applicant ought to have minimum total amount of Rs.15 lakhs for Urban Markets and Rs.10 lakhs for Urban-Rural and Rural Markets respectively as closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any). According to Counsel the last date for submission of the application was 29th October, 2013 and petitioner filed application on 24th October, 2013. The other deficiency pointed out by

the Counsel is that the FDR submitted by the petitioner was in the joint account with one Babasaheb D. Naik who was not a family member as defined in the terms and conditions of the advertisement.

4. We have perused the record and considered the submissions advanced. We do not find any infirmity in the decision taken by the Bharat Petroleum Corporation rejecting the application of the petitioners.

5. The Intervention Application No. 727/2016 filed by Smt. Kala Vitthal Channapattan was allowed by order passed by Division Bench on 18th January, 2017. It is submitted that Intervenor is the successful candidate but the Letter of Intent was not issued by the Petroleum Company in view of the order passed by this Court.

6. In view of the observations made as above, there is no merit in the petition. It is rejected. Ad-interim order stands vacated.

(SMT. BHARATI H. DANGRE, J)

(NARESH H. PATIL, J.)