

“15(a) The Petitioner submits that being the member of the Respondent No.5 is entitled for the release of the quota through the said Respondent No.5 and moreover there are other Co-operative Societies despite not having dealership

agreement they are getting regular quota of Superior Kerosene Oil. And even on this ground the Petitioner is otherwise entitled for the release of quota regularly since licence in question issued by Competent Authority is in operation till date.

(b) This Hon'ble Court be pleased to issue the writ of mandamus, order directions or any other order directions or appropriate writ in the nature of mandamus directing the Respondent Nos. 1 and 2 herein to revive the superior Kerosene Oil Dealership in favour of the petitioner society thereby continuously releasing the allotted kerosene quota holding that Petitioner is entitled for the said kerosene under SKO dealership.

(c) This Hon'ble Court be pleased to issue further writ of mandamus, order direction or in any other order direction or appropriate in the nature of mandamus directing the Respondent Nos. 1 and 2 herein to compensate the Petitioner for having denied the allotted kerosene quota in question despite the allotment order issued by the Respondent No.4 herein by its order dated 12.8.2008;

(d) Pending the hearing and final disposal of this petition, this Hon'ble Court be pleased to issue the order of mandatory injunction directing the Respondent No.4 herein to allot the permissible kerosene quota under SKO dealership thereby further directing the Respondent Nos. 1 and 2 herein to release the said allotted kerosene quota regularly without raising any objections merely on the ground that SKO dealership has not been revived;

(e) Ad interim and interim reliefs in terms of prayer clauses (d) above.

(f) any other equitable and suitable orders be kindly passed in favour of the Petitioner only.

(g) Cost of the petition be provided to the petitioner;

(h) The Hon'ble Court be pleased to issue necessary direction to Respondent No.1 and 2 herein to release the Superior Kerosene Oil quota in favour of the Petitioner being the member of Respondent No.5."

2. The Division Bench of this Court by an order dated 1st September, 2015 passed following order:-

“ The learned counsel appearing for the 3rd and 4th respondent has placed on record a letter dated 9.10.2014 addressed by the Law Officer of the 5th respondent to the petitioner. The said letter is taken on record and marked 'Y' for identification. The question is whether the petitioner is a member of the 5th respondent. We direct the 5th respondent to verify its record and file an affidavit before this Court stating whether the petitioner is its member. Such affidavit shall be filed on or before 7.10.2015.

We direct the registry to communicate this order to the 5th respondent. In addition to the communication through the Court, the advocate for the petitioner to serve an authenticated copy of this order to the 5th respondent.”

3. The affidavit is filed by the respondent no.5 through the Law Officer Mr. Ajay Ramesh Mahadik. In Paragraphs 2, 3 and 4, the deponent states as under:-

"2) I say that, on the directions of this Hon'ble Court the respondent no.5 has verified its record and found that, the petitioner society has presented an application for B Class/Nominal membership of the respondent No.5. I crave leave to and refer to the said Application as and when required by this Hon'ble Court.

3) I say that the Managing Committee of the respondent No.5 federation passed a resolution in its meeting held on 17-07-2012 and admitted the petitioner society as a "B" class / Nominal member. Hereto annexed and marked Annexure-"A" is the resolution passed by the Managing Committee of the respondent No.5 federation.

4) I say that, the Letter dated 9-10-2014 addressed to the petitioner society which is taken on record by this Hon'ble Court and marked "Y" for identification, is written and signed by me. I say that, the contents therein are true and correct to the best of my knowledge."

4. By a communication dated 9/10/2014, the Maharashtra State Co-operative Marketing Federation Limited informed the petitioner, in

response to the filing of the present petition, that there was no correspondence made in respect of kerosene with the petitioner.

5. In the facts of the case, we find that the petitioner is pressing for relief against the respondent no. 5 – Federation to supply kerosene. The inter se relationship between the petitioner and the respondent no.5 cannot be a matter of scrutiny by this court. If the petitioner has any claim against the respondent no.5, then the same cannot be a subject matter for consideration of this court in exercise of writ jurisdiction.

6. Considering the stand adopted by the Indian Oil Corporation Ltd. and the respondent no.5 – Federation, we are not inclined to issue directions to them as sought by the petitioner. There is no merit in the petition. The petitioner may resort to alternate remedies as permissible in law.

7. Petition stands disposed of.

(SMT. BHARATI H. DANGRE, J)

(NARESH H. PATIL, J.)