

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

WRIT PETITION NO.1109 OF 2017

Shri Suresh Gangaram Langute

..Petitioner

Vs.

Hindustan Petroleum Corporation Ltd. & Anr.

..Respondents

Mr. A. V.Anturkar, Senior Counsel a/w Mr. Sandeep Pathak for the Petitioner.
None for the Respondents.

**CORAM: V.M. KANADE &
C. V. BHADANG, JJ.**

MARCH 29, 2017.

P.C.

. Heard Mr. A. V.Anturkar, the learned Senior Counsel appearing for the Petitioner.

2. The Petitioner is aggrieved by the decision taken by the Respondent Nos.1 and 2 rejecting the application made by the Petitioner for award of RO dealership.

3. The brief facts are that Respondent Nos.1 and 2 have issued advertisement on 26/10/2014 for the award of RO dealership. The Petitioner made an application on 5/12/2015. The Petitioner deposited demand draft of Rs.1,50,000/-. He was further informed that the Branch Officer of the MSEDCL had paid visit and inspected the land where the Petitioner was to start his dealership and found that heavy transmission (H.T) line was passing through the said land and on that ground his application was rejected.

4. The learned Senior Counsel on behalf of the Petitioner submitted that clause J of the Dealer Selection Guidelines Brochure

specifies the criteria which has to be evaluated by the Land Evaluation Committee while considering the suitability of the lands. Clause J of the said brochure reads as under:

“Land has no HT line (>11KVA) crossing.”

5. The learned counsel further submitted that the Petitioner has, in fact, applied to the MSEDCL and they had given no objection certificate to the Petitioner for shifting the HT line from his land. He submitted that the said condition therefore should be interpreted to read that the HT line should not exist, or if exists it shall be removed within a reasonable time after the allotment is made. It is not possible to accept the said submission in view of clause J which reads as aforesaid.

6. It is obvious that one of the conditions of the tender documents is that at the time when the application is made or evaluation is done by the Land Evaluation Committee, there should be no HT line over the said land. It is obvious that the said condition has been imposed since it can be hazardous if RO dealership is awarded to lands having HT lines crossing.

7. Moreover, it is settled position in law that this Court while exercising its writ jurisdiction should not exercise its power of judicial review in respect of the terms and conditions of the tender document. Taking into consideration the aforesaid facts, we are not inclined to interfere with the decision taken by Respondent Nos.1 and 2. Writ Petition is therefore dismissed.

(C. V. BHADANG, J.)

(V.M. KANADE, J.)