

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11411 OF 2013

Swapnil Mukund Butala.

.. Petitioner

Vs

Hindustan Petroleum Corporation Ltd.
and Others.

.. Respondents

—

Ms. A.R.S. Baxi for the Petitioner.

Shri Minoo Siodia i/b M/s. Rustamji & Ginwala for the Respondent
Nos.1 and 2.

Shri M.M. Pabale, AGP for the Respondent No.4.

CORAM : A.S. OKA & A.K. MENON, JJ

DATED : 17TH APRIL 2017

PC.

1. The Petroleum Companies including the first Respondent Company invited applications for allotment of dealership under Rajiv Gandhi Gramin LPG Scheme. The Petitioner claimed that he belongs to the category of Other Backward Class. The Petitioner applied on the basis of the advertisement. The Petitioner produced caste certificate. However, by a communication dated 4th October 2013, the first Respondent informed the Petitioner that he was not eligible on four grounds set out therein. One of the grounds was that the balance of Rs.4 lakhs was not available in the Bank Account of the Petitioner as on the last date fixed for the submission of the application. Last date fixed for submission of the applications was 17th June 2013.

2. The first submission of the learned counsel appearing for the Petitioner is that there was no such requirement of showing the balance of Rs.4 lakhs in the Bank Account of the Petitioner. She invited our attention to the extract of the Bank Account of the Petitioner which is at Page 31. She pointed out that as of 11th June 2013, there was a balance of Rs.4 lakhs and more. She submitted that the Petitioner has fulfilled the other conditions.

3. We have given careful consideration to the submissions. Clause 3 of the advertisement lays down the eligibility criteria for all categories. Sub-Clause (g) of Clause 3 of the said advertisement provided that there shall be a minimum amount of Rs.4 lakhs as the closing balance on the last date for submission of application as specified in the advertisement. The extract of the bank account of the Petitioner annexed at Page 31 shows that on 11th June 2013, there was a balance of more than Rs.4 lakhs. However, on 12th June 2013, the balance was reduced to Rs.860/- and in fact, on 8th August 2013, the balance was Rs.10/-. In the affidavit-in-reply of the first Respondent, the last date for the submission of form was 17th June 2013.

4. Even going by the extract produced by the Petitioner, he did not fulfill the eligibility criteria as provided in Sub-Clause (g) of Clause 3 of the advertisement published by the Petroleum Companies.

5. Hence, we find no error with the view taken by the Respondents that the Petitioner did not fulfill the eligibility criteria. The Petition is, accordingly, rejected.

(A.K. MENON, J)

(A.S. OKA, J)