

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 7759 OF 2015**

**SHANTILAL KARBHARI REPATE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Mrs.L.R.Thakur h/f. Mr. L.S. Shaikh, Advocate for the petitioner.

Mr.K.N.Lokhande, AGP for respondent/State.

Mr.P.B.Shirsath, Advocate for respondent No.4.

**CORAM : S.V.GANGAPURWALA &  
S.M.GAVHANE, JJ.**

**DATED : 04.10.2018**

**P.C. :-**

1. Learned Advocate for the petitioner submits that the petitioner is a project affected person. The land of the petitioner has been acquired. The Petitioner is running Krishi Seva Kendra at village Kada. The certificate to the effect that the petitioner is a project affected person is issued by the authority on 01.08.2008. On 13.07.2011, registration certificate was issued to the petitioner for running the shop i.e. Krishi Seva Kendra. On 30.08.2011, application is made for dealership to the Rashtriya Chemical Fertilizer, however,

the claim of the petitioner is not considered. The petitioner being project affected person is entitled to dealership from the public sector undertaking or Government undertaking. The respondents have not even decided application of the petitioner for issuing dealership.

2. Mr. Shirsath, learned Advocate for respondent No.4 submits that at present policy of awarding dealership has been frozen. There are seven dealers in Ashti taluka. The petitioner cannot get dealership as of right.

3. We have considered the submissions. Even if benefit is to be given to the project affected person, same has to be through competition as already held by the Full Bench of this Court in the case of **Rajendra Pandurang Pagare Vs. The State of Maharashtra & Ors., reported in 2009(4) Mh.L.J. 961.** Respondent No.4 has filed affidavit stating that policy of awarding

dealership has been frozen since the year 2011. The petitioner is running Krishi Seva Kendra at village Kada.

4. Considering the aforesaid aspects of the matter, directions as sought cannot be given. The petitioner is at liberty to compete as is permissible in law.

5. With these observations, the writ petition is dismissed. No costs.

**[ S . M . GAVHANE , J . ]**

**[ S . V . GANGAPURWALA , J . ]**