

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

902 WRIT PETITION NO. 2929 OF 2018

VINAYAK BHAURAO HIWALE
VERSUS
HINDUSTAN PETROLEUM CORPORATION LTD., THROUGH
CHIEF REGIONAL MANAGER AND ANOTHER

...

Advocate for Petitioner : Mr.R.D.Sanap
Advocate for Respondent No.1 : Mrs.Anjali Dube
AGP for Respondent No.2 : Mr.P.K.Lakhotiya

...

**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.**

DATE: 20th March, 2018

PER COURT:-

1) The application tendered by the petitioner for his appointment as a LPG distributor for the location Gadhe Pimpalgaon has been turned down by respondent No.1 Corporation for three reasons.

2) It is pointed out that the petitioner does not hold necessary educational qualification. The second reason recorded is that the land offered for the Godown is not situate at the advertised location and the third reason is that the land

lease-deed is registered after lapse of prescribed date for tender of application.

3) It is pointed out that the last date prescribed for tendering application was 18.10.2017, whereas the land lease-deed has been registered on 27.12.2017. Infact, the land lease deed, which is claimed to have been registered on 19.9.2017, is only a notarized document. The petitioner has furnished wrong information while tendering the application. It is however, not controverted that the land lease-deed has been registered on 27.12.2017.

4) The observance of the condition prescribed by the respondent No.1 - Corporation is a mandatory requirement and the same cannot be dispensed with. A similar view has been taken by the Supreme Court in the matter of **Bharat Petroleum Corporation Ltd., & Ors. Vs. Swapnil Singh** in Civil Appeal Nos.6928- 6929 of 2015 decided by the Apex Court

on 8.9.2015.

5) In view of the decision of the Supreme Court in the matter referred to above as well as in view of the fact that the petitioner does not comply with the mandatory requirement prescribed by the respondent No.1 Corporation, no interference is called for in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

6) The petition is devoid of substance, hence stands dismissed.

(K.K.SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE