

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

BENCH AT AURANGABAD.

WRIT PETITION NO.11752 OF 2017

Sachin Ramanlal Kasliwal ... Petitioner.

Versus

Hindustan Petroleum
Corporation Limited
and another. ... Respondents.

...

Mr.Subodh P.Shah, advocate for the petitioner.
Smt.Dube Anjali Bajpai,for Respondent No.1.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 12.03.2018.

PER COURT :

1. Mr.Shah, learned counsel submits that the petitioner was issued letter of intent to set up a retail outlet between Kms.272 to 273 on National Highway 211. However, after the advertisement was issued, so also the letter of

intent, the location of Highway has undergone change. The petitioner had requested the Respondent to allow the petitioner to set out retail outlet at new Highway. The same is rejected on the ground that the guidelines/policy does not permit. The learned counsel submits that the policy relied by the Respondent does not contemplate the situation as has arisen in the present case.

2. Smt.Dube, learned counsel for the Respondent submits that in view of guidelines/policy, more particularly, clause 12 of the guidelines for selection of retail outlet dealer for the year 2010, the request of the petitioner could not be considered.

3. The location at which the retail outlet is to be situated is the prerogative of the Respondent Company. It is the Respondent Company which is the best judge of suitable location for operating its retail outlet. It is for the Respondent Company to consider the aspect of change of location or otherwise.

4. It is a matter of contract between the Respondent Company and its licensee.

5. In light of the above, the Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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