

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

WRIT PETITION NO.15185 OF 2017

M/s Manas Shaikshanik Samajik Krida
and Bahuuddeshiya Sanstha,
Pimpalner, through its Chairman
Arun s/o Anandrao Gangurde,
R/o Pimpalner, Taluka Sakri,
District Dhule

..Petitioner

Versus

1. Bharat Petroleum Ltd.,
LPG Distributor Selection
Cell, LPG Western Region,
'A' Installtion Sewree Fort road,
Sewree (East) Mumbai
having its office at Bharat
Bhavan, 4 & 6, Currimbhoy road,
Ballard Estate, P.B. No.688,
Mumbai 400 001 through its
Authorized signatory
2. The Territory Manager (LPG),
Bharat Petroleum Corporation Ltd.,
Jalgaon LPG Territory, P-27,
Addl. MIDC, Jalgaon, Dist.Jalgaon

..Respondents

Mr P.D.Bachate, Advocate h/f Mr N.N. Desale, Advocate for petitioner
Mr S.D. Kulkarni, Advocate for respondent no.1

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 11th January 2018

PER COURT

1. Mr Bachate, learned Advocate for the petitioner submits that pursuant to the advertisement issued by the respondents, the petitioner applied for LPG distributorship. The petitioner was selected and was directed to deposit Rs.25,000/- in favour of respondents. Subsequently, the selection of the petitioner is cancelled under letter dated 16.9.2017 on the ground that the petitioner had an unregistered lease deed in his favour. Mr Bachate submits that the

landlord/original owner has executed registered lease deed in favour of the petitioner on 28.12.2017. The learned Counsel submits that the said lease deed would revert back to the date of execution of the earlier lease deed. Learned Counsel submits that the registered lease deed is for a period of twenty years commencing from 24.10.2013. The said recital also finds place in the registered lease deed. Learned Counsel relies on the judgment of Apex Court in a case of **A. Jithendernath Vs. Jubilee Hills Co-op. House Building Society and anr., (2006) 10 SCC 96.**

2. Mr S.D. Kulkarni, learned Counsel for respondent no.1 submits that as per terms and as per advertisement petitioner is required to possess the registered lease deed. The lease deed registered subsequently would be of no avail to the petitioner. Considering the submissions advanced by learned Counsel for respective parties, we pass the following order :

3. Considering the subsequent event i.e. registered lease deed being executed in favour of the petitioner, it would be appropriate for the petitioner to approach the Respondents by making an appropriate application/representation and filing the necessary documents. The said application/representation shall be filed within a period of two weeks from today. The Respondents shall consider the said application/representation expeditiously on its own merits, in accordance with law, within three months. The petitioner may present himself before the authorities and is entitled to place on record all the relevant facts and the position of law.

4. Till the time the decision is taken by the Respondents upon the application/representation of the petitioner, the impugned show cause notice shall not be acted upon.
5. In case the application/representation of the Petitioner is not considered positively by the Respondents, liberty to the petitioner to assail the same.
6. The Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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