

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4546 OF 2014

Dhananjay Bapu Yadage ... Petitioner
Vs.
Bharat Petroleum Corporation Ltd.,
Mumbai and Ors. ... Respondents

Mr. Y.B. Lengare, I/by Mr. S.Y. Lengare, for the Petitioner.

Mr. S.R. Page for Respondent Nos.1 and 2.

Mr. A.P. Vanarase, A.G.P., for Respondent Nos.4 to 8.

CORAM : K.K. TATED &
N.J. JAMADAR, J.J.

DATE : 21ST DECEMBER, 2018.

P.C. :

1. Heard learned counsel for the parties.
2. Learned counsel Mr. Lengare appearing for the Petitioner submits that, he has instructions to press prayer clause (b) only and to that effect, he has given statement in writing. The said statement is taken on record and marked as "X" for identification.
3. By this Writ Petition, under Article 226 of the Constitution of India, the Petitioner is seeking direction against Respondent No.1 to cancel the 'Letter of Intent' dated 4th August 2012, issued in favour of Respondent No.2, thereby granting 'Petrol / Diesel (MS/HSD) Retail Outlet Dealership' at Mahud-Akluj Road, Taluka

Sangola, District Solapur.

4. During the course of arguments, learned counsel Mr. Page, appearing on behalf of Respondent Nos.1 and 2, submits that, Respondent Nos.1 and 2 have received affidavit as well as letter from Respondent No.3 stating that, he is not interested in proceeding with the 'Letter of Intent' dated 4th August 2012 issued in his favour. It is also stated in that letter that the said 'Letter of Intent' be cancelled. The learned counsel for Respondent Nos.1 and 2 further submits that, on the basis of the application filed by Respondent No.3, they have already cancelled the 'Letter of Intent' dated 4th August 2012, which was issued in favour of Respondent No.3. To that effect, the learned counsel for Respondent Nos.1 and 2 placed on record a photocopy of the affidavit dated 6th February 2018 and the letter of Respondent No.3. The same is taken on record and marked as "X-1" for identification.

5. Learned counsel for Respondent Nos.1 and 2 submits that, thereafter Respondent No.1 has issued an 'Advertisement', calling applications for 'Outlets', which was published on 25th November 2018 and its 'Closing Date' is 24th December 2018. He has tendered a photocopy of the said 'Advertisement', which is taken on record and marked as "X-2" for identification. The said 'Advertisement' shows that the 'Outlet' at Solapur, which is the subject-matter of the present Writ Petition, is also added therein.

6. At this stage, the learned counsel Mr. Lengare, appearing on

behalf of the Petitioner, submits that, in view of the subsequent development, this Hon'ble Court be pleased to allow this Writ Petition in terms of prayer clause (b) and permit the Petitioner to participate in the allotment of new 'Petrol/Diesel Retail Outlet Dealership', as per the 'Advertisement' published by Respondent No.1 on 25th November 2018.

7. Considering the submission made by both the counsel and subsequent development, we are satisfied that the Petitioner has made out case for allowing this Petition in terms of prayer clause (b). Hence, the following order :-

“O R D E R”

- (a) Writ Petition is partly allowed in terms of prayer clause (b) which reads thus :-

“(b) That this Hon'ble Court by way of appropriate writ, order, direction, be pleased to quash and set aside the impugned Letter of Intent dated 4.8.2012 issued by the respondent No.2 thereby granting the Petrol/Diesel (MS/HSD) Retail outlet dealership in favour of Respondent No.3 at Mahud Akluj Road, 1 KM from AmbikaChouk, Tal: Sangola, District: Solapur.

- (b) Petitioner is permitted to participate in the allotment of new 'Petrol/Diesel Retail Outlet

Dealership', as per the 'Advertisement' published by Respondent No.1 on 25th November 2018.

- (c) Petition stands disposed off.
- (d) There shall be no order as to costs.

[N.J. JAMADAR, J.]

[K.K. TATED, J.]