

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 722 OF 2018

Tushar Suryabhan Patil

.. **Petitioner**

Versus

The Union of India,

Through it's Secretary and others

.. **Respondents**

Mr. Balbhim R. Kedar, Advocate for the Petitioner.
Mr. S. B. Deshpande, A.S.G. for Respondent No. 1.
Mr. S. D. Kulkarni h/f. Mr. S. S. Kulkarni,
Advocate for Respondent Nos. 2 and 3.

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

DATE: 8th JANUARY, 2019

PER COURT :

1. Mr. Kedar, learned Advocate for the petitioner submits that pursuant to the advertisement the petitioner applied for the retail outlet of petrol pump. The petitioner was the only candidate, he was selected. Upon field verification it was observed that Gut No. 125 offered by the petitioner should have been Gut No. 123. The petitioner had offered the proper

land in the stretch as per the advertisement, however Gut number was inadvertently incorrectly mentioned as 125 instead of 123. When it came to the notice, the petitioner gave representation and submits that instead of Gut No. 123 the petitioner inadvertently mentioned Gut No. 125, however the land offered by the petitioner is on the same stretch as per the advertisement. The petitioner is owner of Gut Nos. 123, 125 and 116. The respondents ought to have considered the case of the petitioner in its true letter and spirit.

2. Mr. Kulkarni, learned counsel for respondent nos. 2 and 3 submits that during visit of the Field Verification Credentials Committee on the field, it was noticed that Gut No. 125 is not on the advertised stretch and the eligibility of the retail outlet dealership is decided based on the information given in the application.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. Pursuant to the invitation to offer, the petitioner had offered Gut No. 125, may be erroneously, but it was the proposal given by the petitioner. In contractual matters it would not be possible for us to invoke our equitable jurisdiction. The fact remains that Gut No. 125 is not on advertised stretch and the application has to be considered on the basis of the information given in the application.

5. In the light of above, no relief can be granted to the petitioner. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVALÉ, J.] [S. V. GANGAPURWALA, J.]

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