

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

**31 WRIT PETITION NO.7727 OF 2018
WITH CA/2070/2019 IN WP/7727/2018**

MANISHA ATUL BORSE

..PETITIONER

VERSUS

HINDUSTAN PETROLEUM CORPORATION LTD
AND ANOTHER

..RESPONDENTS

...

Mr. Ganesh Gade h/f Mr. Prashant M. Nagargoje,
Advocate for the Petitioner.

Mrs. Anjali Dube (Bajpai), Advocate for Respondent
No.1.

...

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

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. The petitioner had applied for LPG dealership pursuant to the advertisement issued by the respondent-HPCL for Gondegaon location in Gram Panchayat Gondegaon, Block Kannad. The petitioner has offered his land bearing Gut No.160 situated at Gondegaon. The petitioner was selected in a draw. The field verification was done of the petitioner's land. Under letter dated 16.12.2017, the petitioner was directed to deposit Rs.40,000/-. The petitioner deposited the said amount of Rs.40,000/-. However, before the letter of intent could be issued it was communicated to the

petitioner that it was observed by the respondent that all the applicants applied for location Gondegaon and have offered land for showroom and godown considering location Gondegaon, Block Soyegaon instead of advertised location as Gondegaon, Block Kannad and because of that it was decided to re-advertise the location and stopped the process of F.V.C. for selected candidates, as the selected candidate is not meeting basic eligibility criteria of having godown and showroom for location under Block Kannad.

2. According to the petitioner village Gondegaon is included in the Block Kannad as far as Vidhan Sabha Constituency is concerned and the said village Gondegaon is in Taluka Soyegaon. The land of the petitioner was in village Gondegaon. There is no other village Gondegaon either in Taluka Kannad or Taluka Soyegaon except the writ village.

3. Mrs. Dube, learned counsel for the respondent submits that there appears to be some error in the advertisement as instead Gondegaon, Taluka Soygaon the location was advertised as Gondegaon, Block Kannad. Some other eligible candidates would have been prevented from applying because of wrong description of the location. In view of that, the decision has been taken to re-advertise the location.

4. It is not a matter of dispute that the petitioner was selected under a draw. The application of the petitioner was processed. The field verification was done. The report was also submitted. Thereafter, on the ground that the location has not been properly described, the candidature of the petitioner is rejected. The petitioner was also directed to deposit Rs.40,000/-, after having been declared as successful candidate in a draw conducted on 15.12.2017. We do not find any other flaw pointed out by the respondent. According to the petitioner, even the dispute which is alleged by the respondent with regard to the land of the petitioner stands resolved. There is no such dispute. The petitioner had offered land Gut No.160 as an alternate land for godown and 754/1 for showroom.

5. It appears that no party has raised any objection or any other person has raised objection saying that the location was not properly described and they could not apply pursuant to the location.

6. We do not find that on the basis of the advertisement, the persons applying would have been misled. Perusal of the advertisement it is clear that, the location was notified as Gondegaon. The Gram Panchayat was also notified as Gondegaon, so the land was required to be within the area of Gram

Panchayat Gondegaon and Block was stated as Kannad. The village Gondegaon is in Taluka Soygaon. The land offered by the petitioner as contended is in Gondegaon and is within the area under Gram Panchayat Gondegaon. The voters of village Gondegaon are in Block Kannad for Vidhan Sabha Constituency. The location is identified as Gram Panchayat Gondegaon. It is not anybody's case that there is another Gram Panchayat Gondegaon either in Kannad or in Soygaon Taluka.

7. In light of the above, no discrepancy exists with regard to the identification of the location. The location is properly identifiable. More particularly, it is specified as Gram Panchayat Gondegaon. If the land of the petitioner was not within the limits of Gram Panchayat Gondegaon then certainly the petitioner was not qualified, but according to the respondent also the same is not the case. The land appears to be within the Gram Panchayat Gondegaon.

8. Considering the above, the impugned communication is quashed and set aside. The respondents shall further process the application of the petitioner in accordance with law. The respondent shall consider the other criteria which the petitioner is required to fulfill and in case the petitioner fulfills all other criteria, then the respondent shall not proceed further with the advertisement issued on 20.01.2019 to the extent of

location Gondegaon, Gram Panchayat Gondegaon, Taluka Soygaon. It also appears that 18 applications were received and all the applications were from the village Gondegaon, Taluka Soygaon.

9. Writ Petition is disposed of. No costs.

10. In view of disposal of writ petition, civil application also stands disposed of.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE