

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

WRIT PETITION NO. 3670 OF 2018

Varsha w/o Ganesh Wavare

.. Petitioner

Versus

The Executive Director LPG Hindustan Petroleum
Corporation Limited and Others

.. Respondents

Mr. R. D. Biradar, Advocate for Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Ms. Anjali (Bajpai) Dube, Advocate for Respondent No. 3.

Ms. Maya R. Jamdhade and Kavita R. Jamdhade, Advocates for Respondent
No. 4.

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 18th SEPTEMBER, 2019.

PER COURT:-

1. Mr. Biradar, learned Counsel for the petitioner submits that the petitioner and respondent No. 4 applied for allotment of LPG showroom and godown. The respondent No. 4 is selected. The respondent No. 4 was not qualified and eligible on the date of application. The respondent No. 4 did not own any land. The learned Counsel relies on Clause 8-A (m) of the Brochure / guidelines and submits that the applicant should own a plot of land of capacity or minimum dimensions and location for LPG godown or own ready LPG cylinder storage godown on the last date for submission of application as specified either in the advertisement or corrigendum. The learned Counsel submits that admittedly respondent No. 4 did not own any land on the date of application. In view of that the respondent No. 4 was

disqualified and ineligible.

2. Smt. Dube, learned Counsel for the Corporation submits that the land offered by the respondent No. 4 was jointly owned by the Grandmother-in-law and the uncle of the respondent No. 4. The same meets the criteria of a family unit and the definition of "Own" as per the Brochure. According to the learned Counsel, the respondent No. 4 after selection offered more feasible land and the same is permissible as per Clause 9 (n).

3. We have also heard the learned Counsel for respondent No. 4.

4. There cannot be any dispute with the proposition that as on the date of application, the applicant should own land within the meaning of Clause 8-A (m). The said Clause reads thus :

"Godown : Applicant should 'Own' a plot of land of capacity, minimum dimensions and located as specified below for construction of LPG Godown Or 'Own' a ready LPG cylinder storage godown as on the last date for submission of application as specified either in the advertisement or corrigendum (if any).

The storage capacity of LPG Godown, minimum dimensions and location of the plot should be as follows :

Capacity of Godown to store LPG : The minimum capacity of the LPG Godown (approved and licensed by Chief Controller of Explosives of Petroleum and Explosives Safety Organization (PESO) required for storage of LPG in cylinders is given below :

a) Sheheri Vitrak and Rurban Vitrak will require a storage Godown of minimum capacity of 8000 Kg LPG.

b) Gramin Vitrak will require a storage godown of minimum capacity of 5000 Kg LPG.

c) *Durgam Kshetriya Vitrak will require a storage godown of minimum capacity of 3000 Kg.”*

5. The phraseology ‘Own’ has been further defined and clarified in the guidelines. The same reads thus :

“Clause 1 (w) : ‘Ownership’ or “Own” for godown / showroom for Sheheri Vitrak, Rurban Vitrak, Gramin Vitrak and Durgam Kshetriya Vitrak Type of Distributorship means having :

a. *Ownership title of the property*

Or

b. *Registered lease deed having minimum 15 yrs of valid lease period commencing on any day from the date of advertisement up to the last date of submission of application as specified either in the advertisement or corrigendum (if any).*

Additionally, applicants having registered lease deed commencing on any date prior to the date of advertisement will also be considered provided the lease is valid for a minimum period of 15 years from the date of advertisement. The applicant should have ownership as defined under the term ‘Own’ above in the name of applicant/member of “Family Unit” (as defined in multiple dealership/distributorship norm of eligibility criteria)/parents (includes Step Father/Step Mother), grandparents (both maternal and paternal), Brother / Sister (including Step Brother & Step Sister), Son/Daughter (including Step Son/Step Daughter), Son-in-law/ Daughter-in-law; of the applicant or the spouse (in case of married applicant) as on last date for submission of application as specified either in the advertisement or corrigendum (if any). In case of ownership/co-ownership by family member(s) as given above, consent in the form of a declaration from the family member(s) will be required.

In case the share of land in the jointly owned property by the

applicant/member of 'Family Unit' as defined in multiple dealership/distributorship norm)/parents & grandparents (both maternal and paternal) of the applicant or the spouse with any other person(s) meets the requirement of land including the dimensions required, then that land for godown/showroom should qualify for eligibility as 'own' land subject to submission of 'No Objection Certificate' in the form of declaration from other owner(s)."

6. It has been brought on record that the land offered by the respondent No. 4 with the application was owned by Smt. Vatsalabai Pole, Grandmother-in-law and uncle Shri Pandurang Pole. The alternate land offered by the respondent No. 4 is more feasible than the, land earlier offered.

7. Clause 8-A (m) provides an opportunity to the applicant that if the land offered does not meet the eligibility condition, then opportunity is given to submit the alternate land owned by the applicant / member of the family unit. The said opportunity has been availed by the respondent No. 4 and more feasible and viable land has been given. The same would meet the requirement of the guidelines.

8. Considering the above, no case for interference is made out.

9. Writ Petition accordingly is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.