

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

103 WRIT PETITION NO.8383 OF 2019

**RAKESH RAMKISHAN KOMATWAR
VERSUS
BHARAT PETROLEUM CORPORATION LIMITED THROUGH ITS HEAD OF
TERRITORY OFFICE**

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**Advocate for Petitioner : Jain Gajendra Devichand
Adv.Kulkarni Sanket S. For R-sole**

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**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 11.11.2019**

PC. :-

Mr.Jain, learned advocate for the petitioner submits that the petitioner was the only candidate from Group-I category. He was selected for allotment of the retail outlet at Osmanabad. On the technical ground that 10% security deposit is not deposited and the documents are not submitted, candidature of the petitioner has been cancelled. Candidature of the petitioner is cancelled without notice to the petitioner thereby flouting principles of natural justice.

2] According to the learned counsel, the respondents are required to serve two notices on the petitioner before cancellation of the candidature. The learned counsel relies on Clause 12-E(vii) of the brochure.

3] Mr.Sanket S. Kulkarni, learned advocate for the respondent submits that twice the petitioner was issued notice to comply the conditions of deposit of security deposit and submission of the documents as instructed in the

brochure. The petitioner inspite of repeated requests failed to comply with the conditions, thereafter candidature of the petitioner is cancelled. Thereafter, the further selection process is proceeded. The draws have been taken out on 25/6/2019 and 9/9/2019 and selection process is at the final stage.

4] We have considered the submissions. The petitioner does not dispute that he failed to deposit 10% of the security deposit as per the terms and conditions. It appears that the petitioner was intimated under letter dated 12/1/2019 to remit the security deposit of Rs.30,000/- and also furnish the documents as detailed in the communication dated 12/1/2019. The petitioner did not comply the said requirements. The respondents issued another communication on 23/1/2019 seeking deposit of the initial security deposit and the documents. There is no dispute that letter dated 23/1/2019 is served upon the petitioner. Thereafter also the petitioner did not deposit the security deposit. Eventually on 19/2/2019 the candidature of the petitioner was cancelled. Subsequently further selection process is undertaken on 25/6/2019 and the first draw has taken place. The petition is filed in the month of July 2019. It is submitted that even draw has been taken out on 9/9/2019 and the selection process is at the final stage.

5] Considering that the petitioner has failed to comply with the condition of the deposit of security deposit as required in the terms and conditions, no relief can be granted to the petitioner. Writ Petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V.GANGAPURWALA,J.]