

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

WRIT PETITION NO. 8677 OF 2019

Rajyog Petroleum Through its
Partner Swapnil Sharad Pawar .. Petitioner

Versus

Bharat Petroleum Corporation Ltd.
and another .. Respondents

Shri Pradeep Deshmukh, Advocate h/f Shri Anand D. Kawre,
Advocate for the Petitioner.

Shri S. S. Kulkarni, Advocate for Respondent Nos. 1 and 2.

Shri Yuvraj S. Choudhari, Advocate for the Intervenor.

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

DATE : 25TH SEPTEMBER, 2019.

FINAL ORDER :

. The petitioner had applied for retail outlet pursuant to the advertisement issued by respondent Nos. 1 and 2/corporation. The location was on National Highway No. 52 within 3 Kms starting from end of flyover in Shahgarh towards Beed on either side of the road. Said location was in Jalna district.

2. The candidature of the petitioner is rejected on the ground that the land offered by the petitioner is in Beed district.

3. Mr. Deshmukh, the learned advocate for the petitioner submits that, the candidature of the petitioner is rejected without notice and hearing to the petitioner. According to the learned counsel as per the advertisement land has to be situated in Beed district as per the location pointed out in the advertisement. The site of which land offered has to be situated on National Highway No. 52 within 3 Kms starting from end of flyover in Shahgarh towards Beed on either side of the road. The land offered by the petitioner was within one K. M. of starting from the end of flyover in Shahgarh towards Beed on either side of the road. The learned counsel submits that, the land offered by the intervenor/selected candidate is towards Aurangabad and not towards Beed. The person from whom the intervenor has taken the land has also filed say that his land is situated in Beed district inter alia land offered by the selected candidate is also situated in Beed district. There was an error on the part of the corporation to reject the candidature of the petitioner. The learned counsel further relies on the map produced by him, which is certified by a private architect to show the location of his land. According to the learned counsel, said map also would make the position abundantly clear.

4. Mr. Kulkarni, the learned counsel for the respondent/corporation submits that, the said area was in Jalna District. The land of the petitioner was situated in Beed district.

Same could not have been considered.

5. It is undisputed that, the land of the petitioner is situated in Beed district. As per the advertisement location had to be in Jalna district and more particularly on National Highway No. 52 within 3 Kms starting from end of flyover in Shahgarh towards Beed on either side of the road. The land offered by the intervenor/selected candidate is in Jalna district. Same can be confirmed from the registered lease deed in his favour and also the 7/12 extract of the said land showing that the said land is situated at Shahgad, Tq. Ambad, Dist. Jalna. We have perused the 7/12 extract of land gut No. 52 that is the land taken on lease by the selected candidate from one Vijay Babasaheb Bhosale through registered lease deed.

6. The corporation would be the best judge of the land that would be viable and as per the location advertised.

7. In contractual matters, we would not sit as an appellate authority over the decision taken by the corporation. However, we would be more concerned with the decision making process. The corporation had considered the documents on record and arrived at conclusion that the land documents submitted by the petitioner are not valid for considering the offered land under Group – 1.

8. The corporation after scanning documents and considering the same has arrived at a conscious conclusion.

9. Considering the above, no case is made out for interference by this Court under Article 226 of the Constitution of India. As such the writ petition is dismissed. No costs.

10. At this stage, learned counsel for the petitioner requests for continuation of interim order for a period of four weeks. We do not find any reason to continue the interim relief as the matter is based on factual aspects and considered on merits, as such request is rejected.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]

bsb / Sept. 19