

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

WRIT PETITION NO. 9931 OF 2018

**SANJAY BANSILAL PAREKH
VERSUS
THE UNION OF INDIA AND OTHERS**

Mr.S.K. Shinde, Advocate for the petitioner.

Mr. N.G. Nagode, Advocate for respondent No.1.

Mr. A.P. Bhandari, Advocate for respondent Nos.2 to 4.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : 21 February 2019.

ORDER :-

. The petition is filed for giving direction to the respondents Oil Company, to allot retail outlet or petrol pump at Wadgaon Pan, District Ahmednagar to the petitioner as per the advertisement dated 15.09.2000. Both the sides are heard.

2. The submissions made and the record show that the respondent Company was having a Company-run outlet at aforesaid location and the company wanted to appoint Dealer on that location. The present petitioner filed application. Three persons were enlisted as per merits. In the year 2001 allotment

order was issued in favour of one Mangesh More who was at Sr. No.1 of the merit list.

3. A Writ Petition was filed against Mangesh More to challenge the allotment made in his favour probably by the owner of land on which there was petrol pump, but the said petition came to be dismissed. Subsequently the Company realised that information like prosecution of Mangesh More was suppressed by him for getting the allotment and then the order of allotment came to be cancelled in the year 2008. Writ Petition No.1022 of 2009 was filed by Mangesh More to challenge the cancellation, but his writ petition came to be dismissed. He went upto the Supreme Court by filing SLP, but he could not succeeded.

4. The present petition came to be filed in the year 2018 for aforesaid directions. The learned Counsel for respondent Oil Company submitted that the objection to appointment of Mangesh More was not taken by the present petitioner on any ground. It was submitted that in the year 2008 itself allotment in favour of Mangesh More came to be cancelled and since then on *ad hoc* basis the Company is appointing other person as Dealer for fixed period every year. He submitted that the Selecting

Authority like Dealer Selection Board is changed now and new system has come in its place. He submitted that now the Company takes its own decision regarding appointment of such dealers and so for that reason also appointment of present petitioner is not possible.

5. The submissions made show that the relief can be refused on the ground of laches on the part of the petitioner. Further, the selection process is changed to some extent as the Authority which was there in the past for selection, is changed and the Company has power to select its agent, dealers. As there is no allegation of discrimination and there are aforesaid circumstances, this Court holds that it is not desirable to give the relief sought in the present proceeding. Instead of that direction can be given to the Company to see that fresh process is started immediately, so that the appointment on *ad hoc* basis is avoided, as such appointments invite all kinds of allegations against the persons managing the Company.

6. In the result, the petition is dismissed.

7. The Company is expected to start fresh process of selection, if it wants to allot the present petrol pump and that

needs to be done within three months. It is open to the petitioner to compete in that process.

8. This Court is not approving the present practice of giving appointments on *ad hoc* basis as it has been going on for around 20 years.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

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