

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4205 OF 2015

Smt. Suchita Sunil Teke

...Petitioner

Versus

Indian Oil Corporation Limited

...Respondent

Mr. Sarwadnya S. Kadtane, i/by K.U. Nikam, for the Petitioner.

Mr. Sunil Gangan, a/w Mr. Swapnil Shikhare, Mr. Akshat Shah,
i/by RMG Law Associates, for the Respondent.

**CORAM : A.A. SAYED &
R.I. CHAGLA, JJ.**

DATE : 1 April 2019

ORDER :

1. The Petitioner has filed this Petition impugning the communication dated 20th October 2014 of Respondent No. 1- Indian Oil Corporation in relation to distribution of regular LPG Distributors/Marketing Plan 2013-14 at Malshiras, District Solapur. The impugned communication reads thus:

“Ref:No. PAO/MAL/14

Date:20.10.2014

To,

Smt. Suchita Sunil Teke

Koshti Galli,

A/P Malshiras

Solapur – 413107

Maharashtra

Dear Madam,

Subject: Application for award of LPG Distributorship at Location – Malshiras, Dist-Solapur, under 'Open' Category. Advertised on 29.09.2013

Please refer your application (serial number PAO/MAL/14) for award of above-mentioned LPG Distributorship.

We regret to inform you that upon field verification of the information submitted by you in your application mentioned above, the following variance was observed:

1. You have offered Land at Gat No. 292 at village Motewadi, Malshiras for development of Godown. You have taken the land on lease deed of 15 years; however the lease has been specifically executed for using the said Land for “Agricultural purposes”. Therefore the same cannot be considered for construction of the LPG Godown.
2. You have mentioned a fund from all sources as Rs. 1196721/- in your application. However during FVC it was verified that the following funds were maintained as the closing balance on the last date of submission of the application form:

Name of Bank/Fi	A/c no	Owner	Amount in Rs.Considered by FVC	Remarks

SBI	20130184148	Self	6344.00	
SBI	30759551350	Husband	1480.00	
PF ZP Solapur	11570	Husband	0	Not considered amount in PF as per the policy
Total			7824.00	

Thus total funds considered as per the policy amounts to only to **Rs. 7824/-** which is less than the minimum fund required of **Rs. 10 Lakh** for rural location Malshiras.

As per selection policy & Brochure, "...the applicant should have minimum total amount of Rs. 10 lakhs for Rural markets as the closing balance on the last date for submission of application in the name of the self or family members"

Therefore it is construed that:

1. You are not having own land for Godown as on the last date of submission of application as per the policy & eligibility criterion
2. You have not maintained minimum required funds of Rs. 10 lakhs on the closing balance as on the last date of submission of application as per the policy & eligibility criterion.

In view of the above your candidature is rejected and the amount of Rs. 25000/- deposited with the corporation stands forfeited in line with the clause no. 11(h) & 11(i) of the advertisement.

Thanking you,

Yours faithfully

For Indian Oil Corporation Limited

(Kulvindar Singh Saroye)

Chief Area Manager, Pune AO

CC:- DGM(LPG), MSO :- Sir, for information please.”

2. Learned Counsel for the Respondent-IOC pointed out that notwithstanding the aforesaid communication, the Petitioner was addressed at least two communications so as to reconsider the request of the Petitioner as per the revised guidelines. However, the Petitioner did not respond positively and the distributorship was thereafter awarded to a 3rd party. The Petitioner's Application was therefore again rejected on 24th November 2016. The 3rd party Smt. Manasi Milind Kulkarni has not been added as party Respondent to this Petition. In the circumstances, we find that this is not a fit case to exercise the extraordinary writ jurisdiction of this Court.

3. The Petition is accordingly dismissed. No order as to costs.

[R.I. CHAGLA, J.]

[A.A. SAYED, J.]