

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12155 OF 2016

Nitin Mohan Chavan

....Petitioner

Versus

Union of India & ors.

...Respondents

Mr. Mandar M. Goswami, for the Petitioner.

Mr. Anil D. Yadav, a/w Ms. Vaishali Chaudhary, for
Respondent no.1/Union of India.

Mr. Sunil Gangan, a/w Mr. Jayesh Mestry & Mr. A. Shah, I/b
RMG Law Associates, for Respondent no.2.

Mr. Anil Shitole, for Respondent no.4.

Ms. Sneha G. Sanap, for Respondent no.5.

CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ

DATED: 3rd January, 2019

PC:-

1. The Petitioner has approached this Court praying for quashing and setting aside Letter of Intent of Rajiv Gandhi Gramin LPG Vitarak ('RGGLV', for short) awarded to Respondent no.4.

2. It is the contention of the Petitioner that though Respondent no.4 was eligible in draw, his allotment came to be cancelled vide communications dated 4th June, 2014 and 31st December, 2014.

3. It is the contention of the Petitioner that since the allotment of the said RGGLV was cancelled, reconsideration of

the proposal of Respondent no.4 on the basis of subsequent communication of the Government of India dated 4th March, 2016 is not in accordance with law. It is, therefore, submitted that the action of the Respondent in granting Letter of Intent of RGGLV to Respondent no.4 needs to be quashed and set aside.

4. We have perused Affidavit-in-reply filed on behalf of the Respondent. The perusal of reply reveals that, the Union of India had found certain conditions for allotment detrimental to the fair competition and as such vide communication dated 28th April, 2015 had directed all oil companies to keep in abeyance the process of allotment till the finalisation of selection guidelines. Accordingly, vide communication dated 4th March, 2016, revised guidelines in respect of wider definition of 'family', funds/deposits in any bank and provision for candidate to offer approach road within the period specified in the LOI, were directed to be taken into account.

5. It is further revealed that Respondent no.2 found that, Respondent no.4 was eligible in accordance with the revised guidelines. As per the revised guidelines approach road was to be provided within the period specified in the LOI.

6. It is not in dispute now that within the period, as prescribed in the LOI, Respondent no.4 has already provided

the approach road. The other ground for non-consideration of Respondent no.4's proposal was having insufficient funds in the account. However, according to Respondent no.2, Respondent no.4 now has the requisite funds, in accordance with the norms.

7. The perusal of the petition reveals that there are no allegations of malafide act against the officers of Respondent no.2. It is not the case of the Petitioner that any of the officers of Respondent no.2, with a malafide intention, have singled out Respondent no.4 for granting the benefit.

8. Perusal of the material on record would reveal that in order to have wider choice for allotment of distributorship, it was found necessary to revise certain norms. The Union of India has, in fact, revised the norms and these norms have been made universally applicable to all the cases.

9. In that view of the matter, we do not find any case for interference.

10. The petition is rejected.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]