

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11510 OF 2018

Sonali Balasaheb Ahire

.. Petitioner

Versus

General Manager,

Hindustan Petroleum Corpn. Ltd & Ors. .. Respondents

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- Mr. Sanjeev Kumar Bapu Deore a/w Ms. Suchita J. Pawar for the Petitioner
 - Ms. Radhika Vanchiswaran i/by Mr. S.R. Page for Respondent Nos. 1 and 2
 - Mr. Prashant D. Patil for Respondent No. 3
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : AUGUST 21, 2019.

P.C.:

1. The petitioner is aggrieved by the decision of respondent No. 1 - HPCL in not allotting an agency for distribution of LPG cylinders, once having issued a letter of allotment in his favour.

2. The facts on record would suggest that the petitioner had offered a piece of land which did not satisfy the requirements of the Corporation of being of minimum size of

15 X 16 sq. mtrs.. According to the learned counsel for the petitioner, he had thereafter offered another land belonging to his father-in-law which was also not according to the specification of the Corporation. Learned counsel for the petitioner, however, submitted that yet another attempt was made to offer a piece of land taken by the petitioner on lease which satisfied all the requirements of measurement. He submitted that without considering such alternative land offered by the petitioner, the Corporation cancelled the letter of allotment. He drew our attention to the guidelines issued by the Corporation for deciding such application and submitted that it was open for the petitioner to offer alternative land subsequently also. However, the petition contains no averments of the petitioner's attempt to offer a lease land nor the document of lease is produced with the petition. Thus, the last contention of the learned counsel for the petitioner lacks factual foundation and therefore, not considered.

3. When respondent No. 2 found that the petitioner could not offer the land as per specification, the decision to cancel

the letter of allotment cannot be found faulted with.

4. Learned counsel for the petitioner further submitted that even respondent No.3 who has been allotted agency did not fulfill the requisite criteria. Once we hold that cancellation of the petitioner is valid, his challenge to the allotment of agency to respondent No. 3 would be in the realm of public interest and therefore, not gone into. In the result, the petition is disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]