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

WRIT PETITION NO.14932 OF 2019

Rajendra s/o Bapurao Jadhav ... PETITIONER

VERSUS

The General Manager (RS),
Indian Oil Corporation Ltd. ... RESPONDENT

.....
Shri K.J. Suryawanshi, Advocate for petitioner
Shri A.P. Bhandari, Advocate for respondent
.....

**CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.**

DATED : 4th MARCH, 2020

ORAL ORDER :

Heard Mr. Suryawanshi, learned counsel for the petitioner. A very limited issue is raised in the petition. The challenge is raised to the communication dated 22/11/2019, forwarded by the respondent Corporation to the petitioner. The petitioner was one of the desirous candidate and submitted a proposal in response to the notice issued by the Corporation for allotment of regular/retail outlet petrol pump dealership. The site location in notice is at Sr.No.1995, Gondegaon, on SH, Bet KM, ST 9 KM and 11 KM in Jalna district. The petitioner submitted the necessary documents along with his proposal.

2. By way of communication dated 26/1/2019, the petitioner was informed that he was qualified for draw of lots for selection of RO dealership and he was further directed to remain present on 6/2/2019 for the further selection process. Then, again on 7/2/2019, the results of draw of lots were informed to the petitioner with a specific statement that this intimation is a preliminary intimation of the selection of petitioner. The petitioner was also informed about the exercise of site visit to be undertaken by the Land Evaluation Committee. Accordingly, the Committee visited the spot and found that, the site offered by the petitioner is outside the advertised area and it is in Dhavedi village. Accordingly, the communication was addressed to the petitioner on 22/11/2019, informing the petitioner that the petitioner's candidature has been found ineligible. In the very communication, the respondent Corporation also informed the petitioner that his candidature may be considered for selection along with other group of the applicants as per the guidelines.

3. The learned counsel, by inviting our attention to the documents placed on record, namely certificate issued by the Executive Engineer, Public Works Department, dated 25/11/2019, stating that the distance between Jalna Bus Stand - Mama's Square - Rashtriya Hindi Vidyalaya - Kale Square - Saint Mary High School - Kanhaiya Nagar to Gat No.180 of village Dhavedi is 10.800 Kms. (i.e. 10 Kms. 800 mtrs.).

4. In response to the notice issued by this Court, the deponent Mr. Raju Pralhad Gathe, Senior Manager (Retail Sales), Indian Oil Corporation Ltd., Aurangabad Divisional Office, Plot No.99, Jyoti Nagar, Aurangabad filed affidavit-in-reply and specifically stated that the land offered by the petitioner was not situated at the advertised location. Then it is further stated in paragraphs No.5 and 6 of the affidavit-in-reply, and the same read thus :

“5. I say that, perusal of the application which has been placed on record by the petitioner himself, the petitioner has stated that, his land is situated at Gondegaon. Name of village Dhavedi has not even been stated in the application by the petitioner. As such, the petitioner has failed to substantiate his claim by producing the requisite documents.

6. I say that, the petitioner was never selected for establishment of Dealership, he was only informed that, he was successful in the draw and the intimation dated 7/2/2019 was subject to compliance of terms and conditions of the Corporation. This is clear from the perusal of e-mail communication at page 24 of the present Writ Petition.”

5. Mr. Bhandari, learned counsel appearing for the respondent Corporation invited our attention to an order passed by this Court, dated 25/4/2019 in Writ Petition No.5022/2019 to submit that, in identical circumstances, this Court arrived at a

conclusion that this Court was pleased to observe that the respondent Corporation is the best Judge to select location at which retail outlet can be established looking to the convenience of the people so as to make the petroleum products available. Then, by reiterating the statement in the affidavit-in-reply, Mr. Bhandari submitted that the land offered by the petitioner is not even nearby to the advertised location and situated in some other village i.e. at village Dhavedi. We find considerable merit in the submission of Mr. Bhandari.

6. In view of these facts, we see no reason to accept the submission of learned counsel appearing for the petitioner. Thus, the Writ Petition fails. Resultantly, it is dismissed at the threshold.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-