

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

964 WRIT PETITION NO.8796 OF 2021

**PRIYANKA BAPUSAHEB GAIKWAD
VERSUS
THE UNION OF INDIA AND OTHERS**

...

Advocate for Petitioner: Mr. Nangare Prashant R.
Advocate for Respondent No. 1: Mr. Deve S. S.

...

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE: 12th AUGUST, 2021

PER COURT:

1. Mr. Nangare, learned Counsel for the petitioner submits that the father of the petitioner was selected for the allotment of retail outlet of respondent no. 2. However, before the further process could be undertaken he died. The petitioner filed an application to include the petitioner or her mother as a nominee. No cognizance is taken of the said application of the petitioner and now the communication is issued to respondent no. 4 that he is selected for the allotment of retail outlet dealership. The learned Counsel submits that once the father of the

petitioner was selected and he died before the further process, the legal representatives of the father ought to have been allowed to continue with the remaining process. The same would be reasonable and in accordance with the principles of contract and equity. The respondent has not decided the application and now has issued letter to respondent no. 4 of being selected.

2. Mr. Deve, learned Counsel appears for respondent no. 1.

3. It is not disputed that pursuant to the letter of selection the father of the petitioner was not issued with Letter of Intent. It is only after Letter of Intent is issued and the compliances are made, thereafter, the retail outlet is allotted. Unless and until the retail outlet is allotted or a dealership agreement is executed; no vested right is created in favour of a person, though selected. The right of the father of the petitioner was inchoate as even before issuance of Letter of Intent he died. The

promise would bind the legal representatives, however, in the present case promise had not come into existence.

4. In the light of above, the prayer made by the petitioner cannot be acceded to.

5. Writ Petition as such is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

marathe