

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

**921 WRIT PETITION NO.6434 OF 2020**

Aakash Kisan Sagalgile  
Age: 23 years, Occu: B.E. Mech. Engineering  
R/o. Sumati Cottage No.462/2  
Plot No.16, Devendra Nagar  
Ghatge Baba Chowk, Mahabal Road,  
Jalgaon, Tq. & Dist. Jalgaon

...Petitioner

Versus

1. The Union of India  
Through the Secretary  
Petroleum & Natural Gas Ministry  
of India, New Delhi.
2. The Deputy General Manager,  
(R.F.) Indian Oil Corporation Ltd,  
Aurangabad Division,  
Office at Plot No.99,  
Indian Oil Bhavan  
Jyoti Nagar, Aurangabad.
3. The Head of Divisional Office,  
Aurangabad Division,  
Indian Oil Bhavan,  
Jyoti Nagar, Aurangabad.

...Respondents

...  
Mr. A.L. Kanade, Advocate for the Petitioner.  
Mr. A.P. Bhandari, Advocate for Respondent Nos.2 & 3.

...

**CORAM : RAVINDRA V. GHUGE &  
S.G. MEHARE, J.J.**

**DATED : 15<sup>th</sup> SEPTEMBER, 2021**

**ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.) :-**

1. Rule. Rule made returnable forthwith and heard finally by  
consent of the parties.

2. By this petition, the petitioner had put-forth prayer clause (B) and (C) as under:

“B. By issuing appropriate writ, order or direction, the respondents be directed for issuance of award of retail outlet dealership at Muktai Nagar, (on LHF – from Jalgaon towards Nagpur), Dist. Jalgaon under S.C. Category advertised dated 25.11.2018, in the name of petitioner, in view of official communication letter cum selection order dated 17.07.2019 issued by respondent no.3.

C. By issuing appropriate writ, order or direction to the respondents, the communication letter cum rejection order dated 17.03.2020 whereby rejected the claim of petitioner for award of retail outlet dealership at Muktai Nagar, (on LHF – from Jalgaon towards Nagpur), Dist. Jalgaon may kindly be quashed and set aside.”

3. The petitioner had responded to an advertisement dated 25.11.2018 published by the petroleum company calling for applications for awarding the outlet dealership at various locations. The petitioner’s case is in connection with the location at serial no.1878 Muktai Nagar (on national highway, left hand side – from Jalgaon towards Nagpur). The petitioner offered land as is evident from the 7/12 extract belonging to Varsha Rakesh Jain, Sapana Ganesh Agrawal, Sk. Riyazuddin Kamruddin and Bhaskar Shaligram Sagalgile. Said Bhaskar is said to be the uncle of the petitioner, though there is no pleading in the memo of the petition. The petitioner belongs to the scheduled caste category and is a Bachelor of Engineering in Mechanical Engineering. The said location was reserved for the scheduled caste category.

4. The petitioner is aggrieved by the communication dated 17.03.2020 issued by the petroleum company informing him as under:

“Dear sir,

1. Please refer to your application received by us as Application Form No.15456287424035 on the subject and our letter dated 18-Feb-2020 informing you about the visit of Land Evaluation Committee for evaluation of your offered land.

2. You had not offered any land in the application for the development of the subject Retail Outlet. Vide our letter dated 14-Jan-2019, you were advised to offer land in the advertised location/stretch.

Subsequently, on 12-Apr-2019, you have offered to arrange an alternate land admeasuring 35.00 x 45.00 at survey no.212/1/2 which has also been found not suitable, for reasons as detailed below;

Not in Advertisement stretch.

3. In view of the above, we regret to inform you that your candidature has not been found to be eligible for allotment of the above RD Dealership.

4. In case you have any grievance against the rejection of your candidature as mentioned above, you may make your representation within 10 days from the date of this letter.

Thanking you

Yours faithfully

For Indian Oil Corporation Ltd.

Suhas Tumane

Head of Divisional Office”

5. His grievance is that when he had offered his land at Village Ghodasgaon which was on the Jalgaon – Nagpur highway, the petroleum company could not have declined to issue an LOI in favour of the petitioner. His application is in tune with the advertisement and

the land offered by him is squarely covered by the same.

6. The learned advocate for the petroleum company submits that the advertisement is clear and cannot be said to be ambiguous. The location for allotment of a retail outlet is Muktai Nagar and not the entire Muktai Nagar Taluka so as to include all the villages within the revenue limits of Muktai Nagar Taluka.

7. We find that the advertisement clearly indicates the location at Muktai Nagar. Further details were indicated as per the requirements of the company. The location was on a national highway and on the left hand side and that too at Muktai Nagar which was on the highway from Jalgaon to Nagpur. Though the land offered by the petitioner at Ghodasgaon would fall within the revenue limits of Muktai Nagar Taluka, the advertisement does not indicate that the location could have been at any spot in the entire Muktai Nagar Taluka on the national highway.

8. Reliance is placed by the company on an order passed by this Court on 25.04.2019 in Writ Petition No.5022 of 2019 filed by Irshad Hameed Khan Vs. Indian Oil Corporation Limited and Another, wherein this Court concluded that the respondent corporation is the best judge to select the location where the retail outlet has to be established.

9. We are also of the view that unless malafides and ulterior motives are attributable to the conduct of the petroleum company, we

would be slow in taking decisions for the petroleum company as to where a retail outlet should be located. So also, the advertisement clearly identifies the location at Mukta Nagar Ghodasgaon village cannot be the location identified by the company.

10. In view of the above, this petition fails and the same is therefore dismissed.

11. Rule is discharged.

**(S.G. MEHARE. J.)**

**(RAVINDRA V. GHUGE, J.)**