

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2708 OF 2021

Mitesh Shivram Solanki ... Petitioner

Versus

Hindustan Petroleum Corporation Ltd. & Anr. ... Respondents

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Mr. Brijesh Pathak, Legal Aid Counsel for the Petitioner.

Mr. Javed Hussen for the Respondent.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE :AUGUST 13, 2021.

P.C. :-

. Heard.

2. By this petition, under Article 226 of the Constitution of India, the Petitioner is challenging order dated 31/07/2020 passed by the Deputy General Manager and Duly constituted Attorney cancelling the Petitioner's application for retail outlet dealership and allotment.

3. The main contentions of the Petitioner is that the said order is passed by Respondent on the basis of the complaint received from Ms Snehal Ramdas Gharde.

4. The learned counsel for the Petitioner submits that the impugned order dated 31/07/2020 is passed by Respondent-Authority without hearing the Petitioner. Hence, the same is required to be set aside.

5. On the other hand, the learned counsel for Respondent vehemently opposed the present petition. He submits that the Respondent after giving full opportunity to the Petitioner passed the impugned order. To that effect, the learned counsel for Respondent relies on paragraph 31 of their affidavit in reply dated 30/07/2021 which reads thus:

“31. That, it is specially and categorically denied that, no effective opportunity of personal hearing was granted to the Petitioner, it is worth and pertinent to note that, Petitioner was called for personal hearing on 02-01-2020 and vide his letter dated 06.01.2020 a sufficient and reasonable opportunity was given to him by Investigation Officer, strictly adopted the doctrine of ‘audi altern partem’ to clarify on the validity/legality of Power of Attorney, submitted with the application. The Petitioner even after getting the sufficient and reasonable opportunity to put forward his case, miserably failed and could not offer any valid and lawful reply vide his letter dated 06-01.2020. Hence, the allegation of denial of principle of natural justice to the Petitioner is simply made to mislead this Hon’ble Court to gain false sympathy. The Petitioner is put to strict proof thereto.

On the basis of these facts, the learned counsel for Respondent submits that there is no substance in the present writ petition and the same is required to be dismissed with costs.

6. We heard both sides at length. It is to be noted that, though the impugned order passed by the Authority is dated 31/07/2020, the Petitioner filed the present writ petition on 31/03/2021 that is after more than 8 months. On this ground only the petition is required to be dismissed.

7. It is to be noted that the main contention of the Petitioner is that the impugned order dated 31/07/2020 passed by the Respondent without giving any opportunity. The bare reading of paragraph 31 of an affidavit in reply filed by Respondent clearly shows that full opportunity was given to the Petitioner and thereafter, the Respondent passed the impugned order. In view of these facts, we do not find any substance in the present petition. Hence, the following order:

- a. The writ petition stands rejected.
- b. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)