

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 7728 OF 2019

Shri. Buddhu s/o Imam Gaure

-- Petitioner

vs.

Bharat Petroleum Corporation Ltd.

-- Respondent

Mr. A. M. Ghare, Advocate for the Petitioner.

Mr. Abhay Sambre, Advocate for the sole Respondent.

CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.

DATED : 25 JANUARY 2021

P. C. :

Heard learned counsel for the parties.

2. On 24 December 2018, the Petitioner applied for dealership with the Respondent pursuant to the Advertisement issued on 24 November 2018. The Petitioner by an order dated 02 November 2019 was informed that the application for award of dealership cannot be accepted as the land is not in advertised stretch.

3. The advertisement issued by the Respondent was for various locations. The Petition concerns an advertisement issued

for Manmad territory, District Washim for Patur to Malegaon road on the right hand side, the location Number is given as 1827.

4. The contention of the Petitioner is that the location is Patur to Malegaon road and the Petitioner's land is at Savarkhed on the same road, and therefore dealership application of the Petitioner could not have been rejected. Learned counsel for the Respondent pointed out that even though the location is described as Patur to Malegaon it is for the streets falling in Washim district and Petitioner's land is not in Washim district.

5. Admittedly the entire stretch from Patur to Malegaon does not fall within the Washim district. The advertisement clearly stipulate that it is for Washim district. Therefore the interpretation by the Respondents of this advertisement that it is the only stretch of Patur to Malegaon road, which passes through Washim district is a reasonable construction. Therefore, the land for the claim of dealership must be in the Washim district.

6. The next question is whether the land of the Petitioner can be considered as falling in Washim district. The learned counsel for the Petitioner on the basis of a map sought to demonstrate before us that in reality the land falls in Washim district, though it is exactly on the border of Washim and Akola district. This fact is disputed. The Petitioner himself in the application has described his land as falling in Akola district.

Though the Petition is pending since 2019, no cogent Government record is placed to demonstrate the land will be considered as falling in Washim district. Going by Petitioner's own statement on record the land is falling in Akola district.

7. The advertisement was for the stretch of Patur to Malegaon road which falls within Washim district and the land of the Petitioner is not in Washim district. There is no error in the rejection of Petitioner's application on the ground that the Petitioner's land is not in the advertised stretch.

8. The Writ Petition is rejected.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]