

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 WRIT PETITION NO.13717 OF 2021

AMIT SANTOSH KHEWALKAR
VERSUS
INDIAN OIL CORPORATION LIMITED AND OTHERS

...
Advocate for Petitioner : Mr. Salunke Sudarshan J.
Advocate for the respondents no. 1 to 3 : Mr. A.P. Bhandari
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 7 SEPTEMBER 2022

PC :

Heard both the sides finally.

2. The petitioner is aggrieved by the rejection of his candidature for allotment of a retail outlet dealership at location Muktainagar town, District – Jalgaon in open and regular category, only on the ground that the site offered by him fell on the national highway whereas the advertisement expressly stated that it should be in Muktainagar town.

3. Admittedly, apart from the terms and conditions indicated in the advertisement, even the candidates are supposed to go through the brochure containing the guidelines in respect of allotment of retail outlets. As far as clause (1) of the brochure regarding identification of

locations is concerned, unlike it is prescribed in respect of Rural ROs, Regular ROs do not prohibit any site abutting National Highway or the State Highway.

4. Admittedly, no such condition was also mentioned in the advertisement putting the candidates to notice that the site abutting the National Highway should not be offered.

5. If such is the state-of-affairs, the decision taken by the respondents to refuse to consider the petitioner's candidature only on the ground that the site offered by him was on the National Highway is clearly *de hors* the advertisement as well as the guidelines.

6. The writ petition is allowed.

7. The impugned communication is quashed and set aside.

8. The respondents may now consider the candidature of the petitioner on its own merits which shall not be rejected on the ground mentioned in the impugned communication.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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