

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

WRIT PETITION NO. 7287 OF 2020

Ravindra Vithal Kathar .. Petitioner

Versus

The Union of India and others .. Respondents

Shri Nikhil S. Tekale, Advocate for the Petitioner.

Shri Ravi R. Bangar, Standing Counsel for the Respondent No. 1.

Shri Anand P. Bhandari, Advocate for the Respondent Nos. 2 to 4.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 31ST MARCH, 2023.**

FINAL ORDER :

. The respondent No. 2/Oil Company advertised a location for installation of retail outlet to which the petitioner, after having complied with all conditions got selected. In the information which was furnished by the petitioner his marital status was shown as married. In this background after selection of the petitioner a communication was issued thereby demanding the petitioner to place on record the measurement details of the land which is offered for retail outlet to be established and the divorce certificate as the petitioner has claimed to be a divorcee.

2. The petitioner submitted the measurement details and the map, however, was unable to submit the divorce certificate as

proceedings claimed to have been pending vide communication dated 06th January, 2020. Subsequent to above vide impugned communication dated 13th October, 2020, the respondent No. 2/Oil Company informed the petitioner that during field verification of credentials, he has failed to produce the original documents for verification/the documents produced by the petitioner were at variance with the documents submitted/information given in the application for dealership. In this background, a regret was informed to the petitioner that, petitioner does not fulfill the multiple dealership norms.

3. Learned counsel for the petitioner Mr. Takale, would urge that the relevant provision qua the multiple dealership norms if are appreciated, the fact remains that on the date of application, the petitioner though has mentioned marital status as married, as the negotiations for settling terms of divorce were in progress. According to him the divorce proceedings pursuant to the provisions of Section 13(B) of the Hindu Marriage Act were taken to its logical end by an order dated 22nd January, 2020 passed by the Court of Civil Judge Senior Division, Aurangabad in H. M. P. No. 80 of 2019. As such according to him on the date of application even though petitioner was married still he was not residing with his wife and the divorce talks were in progress. He would as such urge that if the provisions of the family unit as described under the brochure in relation to selection of dealership outlet are appreciated, a family unit is defined which does not consist of the spouse in case the divorce proceedings are

in progress. As such according to him the impugned communication is liable to be quashed and set aside.

4. Mr. Bhandari, learned counsel appearing for respondent Nos. 2 to 4/oil company would support the order impugned by justifying the claim based on the documents which are produced on record.

5. We have appreciated aforesaid said submissions.

6. It is not a disputed fact that the petitioner's wife was appointed as a dealer for operation of retail outlet by one of the oil company viz Hindustan Petroleum Corporation. Such dealership is being operated by the wife of the petitioner by name M/s Jay Petroleum, near Pal Phata on Phulambri-Sillod road, Dist. Aurangabad. In this background, the aforesaid brochure provides for a express provision that in case if a member of family unit is already holding dealership outlet, the other family member is not qualified for selection as a dealer in operation of a retail outlet. As such the very rules of the company prescribe that petitioner's wife being dealer of Government Oil company, the petitioner was not entitled to get selected for the location which is described in the petition in question, as in such eventuality multiple dealership norms will be attracted.

7. In this background, if we appreciate contention of the learned counsel for the petitioner Mr. Tekale that on the date of

application the petitioner's divorce proceedings were in progress, which fact was duly disclosed to the oil company, what can be noticed is the divorce proceedings were initiated on 14th February, 2019 i. e. subsequently to the application being moved by the petitioner for selection and appointment as retail outlet dealer. As such it cannot be said that on the date of application the petitioner's proceedings were pending before the competent Civil Court as has been claimed by the petitioner in his communication dated 06.01.2020 addressed to the respondent oil company.

8. In this background, it has to be held that on the date of application, petitioner in fact was incurring a disqualification for applying for the selection of retail outlet dealership particularly (a) when his spouse (wife) was holding a dealership of Government oil company (b) petitioner's divorce proceedings were not pending on the date of application.

9. That being so no case for interference in the writ jurisdiction of this Court is made out. The petition as such is dismissed.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23