



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

8 WRIT PETITION NO. 567 OF 2024

Deepak Gangadharrao Jadahv
VERSUS
Indian Oil Corporation Ltd Through Its Regional Manager And
Another

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Advocate for the Petitioner : Mr. H.I. Pathan

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**CORAM : SMT. VIBHA KANKANWADI
AND
S. G. CHAPALGAONKAR, JJ.**

Dated : January 15, 2024

PER COURT :-

1. Present petition has been filed invoking
Constitutional powers of this Court for following relief :-

“By issuing writ of mandamus or any other appropriate writ, order or direction as the case may be, the letter dated 22.12.2023 issued by respondent Corporation may kindly be quashed and set aside and held petitioner eligible for RO dealership as per letter dated 8.12.2023 and according issue direction to respondent-Corporation.”

2. Heard learned advocate for the petitioner.

3. The petitioner had filed an application for the retail outlet of dealership of the respondent in pursuant to the advertisement dated 28.6.2023 alongwith requisite fees and documents. The petitioner opened bid on 7.12.2023 and selected the petitioner. However, thereafter, the respondent-

aaa/-

Corporation has issued a letter dated 22.12.2023 informing that the petitioner's selection for 'RO dealership' as per letter dated 8.12.2023 has been rejected on the ground that registered lease-deed was after date of application. It was also stated that petitioner may file representation, if he has grievance. The petitioner contends that representation was given and it was explained that document of lease-deed was submitted to the Sub-Registrar well within time, but due to connectivity problem and as the office was busy in inspecting the documents regarding 'Maratha Aarakshan', as per the instructions of the Government as well as other documents were pending for registration, lease-deed could be registered only on 23.10.2023. According to the petitioner, he was not at fault in the late registration of the lease-deed and, therefore, it is his contention that his eligibility should be kept intact.

4. It appears that the copy of registered lease-deed was not annexed with the petition and it has been tendered across the bar. From the bare perusal of this document, it cannot be said that it was tendered on 20.9.2023. Of course correction in the date has been made in the body of document as 23.10.2023. But only on the basis of this document, it cannot be said that it was tendered for registration well within time that is even prior to his online application for the dealership. Copy of the online application contain a term that "the date mentioned in the application will be treated as the date applicable for the purpose of evaluating eligibility criterial." Taking into consideration this term, the petitioner

cannot be said to be eligible for considering his candidature for the dealership on 17.10.2023 as he was not holding the registered lease-deed. We do not find any fault in the letter dated 8.12.2023 issued by the respondent. There is no case made out even for issuing notice on the basis of the prayer invoking the constitutional powers of this Court. Writ Petition stands dismissed at the thrush-hold.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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