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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3470 OF 2024

**PRUTHVIRAJ KESHAV JONDHALE
VS.
INDIAN OIL CORPORATION LTD THROUGH ITS MANAGING
DIRECTOR AND ANOTHER**

Mr.A.N.Suryawanshi, Advocate for the Petitioner.
Mr.A.P.Bhandari, Advocate for Respondent Nos. 1 and 2.

**(CORAM : RAVINDRA V. GHUGE AND
R.M. JOSHI, JJ.)**

DATE : APRIL 4, 2024

PER COURT :

1. The Petitioner has put forth prayer clause A, B and C as under :-

"A. The Hon'ble Court may kindly be pleased to issue a writ of certiorari or any other order, or direction in like nature and quash and set aside the impugned decision dated 05.03.2024, issued by Respondent No.2.

B. The Hon'ble Court may kindly be pleased to issue a Writ of Mandamus or any other order or direction of like nature to the Respondents to reconsider the Petitioner's application for retail outlet dealership in accordance with Law and after giving due consideration to the Petitioner's representation and explanation.

C. Pending hearing and final disposal of this Writ Petition, the Hon'ble Court may kindly be pleased to direct the Respondents not to finalize or close the selection process of RO Retail Dealership."

2. The only issue involved in this Petition is that on the date of tendering the application for seeking a retail outlet dealership, which is 17.10.2023, the Petitioner did not have a registered document mentioning the land that is to be used for the retail outlet.

3. It is undisputed that the pre-condition for an application form being eligible is that it should be without deficiencies. The registration of the Lease Deed Agreement should be on or prior to the date of the application. In short, the application which can be tendered on a particular date, should be complete in all respects. It is also an admitted position that the registration of the said document was made by the Petitioner on 01.01.2024 and, as on 17.10.2023, a notarized document was tendered.

4. An identical issue has been dealt with by the Hon'ble Supreme court in **Thakur Kishan Singh (Dead) Vs. Arvind Kumar [1994(6) SCC 591]** and in **Bharat Petroleum Corporation Ltd., and Others Vs. Swapnil Singh [MANU/SC/1572/2015]**, by this Court in **WP No.2618/2020 Jayant s/o Shahuraj Sonawane Vs. Indian Oil Corporation**

Ltd., and another, decided on 27.08.2021, and by the Madras High Court in **Bharat Petroleum Corporation Ltd., Vs. Abhinaya Kaviarasu [MANU/TN/3092/2019]**.

5. The learned Advocate for the Company, on the issue of the amount deposited by the Petitioner, submits that there are scrutinies of the documents for selection of a proposal for granting a retail outlet dealership, upto Group 3. At the Group 3 stage, which is the last one, if the dealership is not allocated to any entity, the proposal of the Petitioner would be considered as the Petitioner belongs to a reserved category. If the retail outlet dealership is already allocated and the process does not reach Group 3, or that if it reaches Group 3 and the Petitioner is not found to be eligible, the deposited amount would be remitted / returned to the Petitioner.

6. In view of the above, **this Writ Petition, being devoid of merit, is dismissed.**

(R.M.JOSHI, J.)

(RAVINDRA V. GHUGE, J.)