



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

43 WRIT PETITION NO. 4175 OF 2024

**ASHABAI BHIMRAJ BORUDE
VERSUS
BHARAT PETROLEUM CORPORATION LIMITED AND
ANOTHER**

...
Shri Amol S. Gandhi, Advocate for the Petitioner.
Shri A.P. Bhandari, AGP for Respondent Nos.1 and 2.
...

**CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.**

DATE :- 22nd April, 2024

Per Court :-

1. The Petitioner is aggrieved by the order passed by the Respondent/ Petroleum Company, by which, the proposal of the Petitioner for a new Retail Outlet Dealership has been rejected for the following reasons:-

- “1. Please refer to you application received by us as Application from No. BPC16957181949614 on the subject and our letter dated 26- Dec- 2023 informing you about the visit of Land Evaluation Committee for evaluation of your offered land.*
- 2. This is to inform you that the Land Evaluation Committee visited the site offered by you on 26-*

Dec-2023 and found the same to be not meeting the required norms as mentioned below. There is start of flyover/grade separator at 140 Mtrs from edge of offered plot. Hence offered plot by applicant with Gut/Plot no. 129 do meets current NHAI guidelines. Hence land not found suitable.

3. *In view of the above, we regret to inform you that your candidature has been found intelligible.”*

2. The learned Counsel for the Petitioner submits, on instructions, that though one edge of the plot of the Petitioner offered for the Retail Outlet Dealership is within 140 meters from the starting point (take off point) of the flyover, the other end of the land is beyond 200 meters. He also places reliance upon a report given by a private Consultant with the National Highway Authority, wherein, the Consultant has opined that the Company should be ready to construct the service road/ access road as per the advice of the National Highway Authority.

3. Having considered the submissions of the learned Advocates for the respective sides, it is beyond debate that it is a Petroleum Company, which has to operate it's business on such terms and by ensuring such safety guards, which would not risk

any entity or person. With their Rules in place, if their Land Evaluation Committee has noticed that the site offered does not meet the required norms since the starting point of the flyover/grade separator is at 140 meters from the edge of the offered plot and the required minimum distance is 200 meters, this Court cannot question the wisdom behind such policies.

4. If the policy is uniformly made applicable to all and there is no partiality/favouritism or nepotism, this Court cannot draw a conclusion that the policy of the Company needs to be altered. A private report by the Company Consultant would not advance the case of the Petitioner. At best, it is advisory in nature and more so, it would not bind the Respondent Company. Since we do not find that the impugned decision is arbitrary or bad in law, we have no reason to cause an indulgence in this matter.

5. **This Writ Petition is, therefore, dismissed.**

kps

(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)