



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

WRIT PETITION NO. 5747 OF 2024

SHAUNAK CHANDRAKANT WAGH

VERSUS

**THE UNION OF INDIA THROUGH THE SECRETARY AND
OTHERS**

....

Mr. S. U. Chaudhari, Advocate for Petitioner

Mr. A. P. Bhandari, Advocate for Respondent Nos. 2 and 3

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 01.07.2024

PER COURT :-

1. The Petitioner is before us assailing the order of rejection of his application for award of retail outlet dealership at the intersection of NH-53 and Dahivel - Samode Road to Mahatma Jyotiba Phule Vidyalaya, Ghodade on the right side of NH-53, while moving from Navapur to Dhule District, under the OBC category advertised on 28.06.2023. The impugned order has been passed on 02.05.2024.

2. We have considered the submissions of the learned Advocate for the Petitioner at length.

3. Having perused the affidavit-in-reply of the Respondent company and the submissions and the Pleadings in the Petition, it is obvious that though the land offered by the Petitioner for the RO dealership, was sufficient in size, the consent of the co-owners in Appendix-III format was not submitted for a long time. The learned Advocate for the company submits that the application tendered by the Petitioner, was not complete in all respects. The company can grant 21 days grace period to enable the applicant to submit certain documents or corrected documents. By a communication dated 22.12.2023, the Petitioner was granted such time to submit the documents. However, pursuant to the communication dated 22.12.2023, till 02.05.2024, over a period of almost five months, the Petitioner did not tender the relevant documents. The contention of the Petitioner is that there were several co-owners and several legal representatives.

4. We are of the view, considering the Rules applicable for the grant of retail outlet for a petrol pump, that the company cannot be expected to wait in perpetuity until the Applicant fulfills the requirement of the documents. When the Rules permit 21 days grace

period, the company waited for the initial 21 days and then upto 02.05.2024. It is, thereafter, that the impugned order has been passed.

5. In view of the above, we do not find that this Court can issue a Writ of Mandamus to a company to permit the filing of the documents by the Petitioner, at his sweet will, in the light of the above facts. More so, there may be several such applicants who were not able to complete the documentations and may also come forward seeking liberty to file the documents, if we grant such liberty to the Petitioner.

6. As such, **this Writ Petition, being devoid of merit, is dismissed.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS