

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1160 OF 2024

Ramesh Vitthal Khot
Versus
Indian Oil Corporation Ltd. and Anr.

...Petitioner
...Respondents

Mr. Manoj Patil a/w Kalyani Mangave a/w Indrajit Magdum, for the Petitioner.

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**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 14 JANUARY 2025

P.C.:

1. We have heard Mr. Patil, learned counsel for the petitioner on this petition filed under Article 226 of the Constitution of India. This petition is filed for the following substantive reliefs:-

- a. Rule be issued. Record and proceedings be called for.
- b. This Hon'ble Court be pleased to issue writ of certiorari and or any other appropriate writ, order and or direction and to quash and set aside the impugned intimation letter dt. 3 January 2023 and also set aside the impugned intimation letter dt. 23 February 2021 issued by the Respondent No. 2.
- c. This Hon'ble Court be pleased to issue writ of mandamus and or any appropriate writ, order and or direction and to direct the Respondents to allocate/grant of Award of RO dealership at on State Highway 129 [New State Highway Number 195] Kagal to Kasba Sangaon, Dist.: Kolhapur under OBC category in favour of Petitioner and further be pleased to direct to the Respondent No. 2 to complete the entire process for allocation and grant of an Award of RO dealership in favour of Petitioner at the earliest and without any further delay.

- d. This Hon'ble Court be pleased to issue appropriate writ, order and or direction and to declare that the elevation and selection of the Petitioner for RO dealership at on State Highway 129 [New State Highway Number 195] Kagal to Kasba Sangaon, Dist.: Kolhapur under OBC category was legal and valid one, and in view thereof, be pleased to held that the Petitioner is entitled to get an award of RO dealership at on State Highway 129 [New State Highway Number 195] Kagal to Kasba Sangaon, Dist.: Kolhapur under OBC category, and accordingly direct to the Respondents to immediately complete the entire process for allocation and award of dealership in favour of the Petitioner.
- e. This Hon'ble Court be pleased to issue writ of mandamus and or any appropriate writ, order and or direction and to direct to the Respondents not to issue fresh any advertisement for an award of RO dealership at on State Highway 129 [New State Highway Number 195] Kagal to Kasba Sangaon, Dist.: Kolhapur under OBC category.”

2. Mr. Patil has fairly stated that although the case of the respondent Indian Oil Corporation has informed the petitioner vide communication dated 3 January 2023 [(Exhibit I) page 135] that the subject location on which the petitioner was asserting his rights for establishment for retail outlet has been dropped, the petitioner was nonetheless entitled for allotment of a retail outlet in the facts and circumstances of the case. It is his submission that the petitioner in that regard had made a detailed representation dated 8 June 2023 copy of which is annexed as Exhibit-J which needs to be considered by the respondent - Indian Oil Corporation, in accordance with law and the decision taken in that regard.

3. In this view of the matter, he fairly submits that the petitioner would withdraw this petition with liberty to pursue the representation dated 8 June 2023. The suggestion of Mr. Patil is fair.

4. We accordingly direct that the representation of the petitioner dated 8 June 2023 be considered by Indian Oil Corporation in accordance with law. In passing such order, no prejudice would be caused to the IOC in as much as it is for the IOC to take appropriate decision on the representation of the petitioner.

5. All contentions in that regard are expressly kept open.

6. The petition is disposed of as withdrawn, however, subject to the above observations. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]