



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**WRIT PETITION NO. 1120 OF 2021**

( Sau. Kalpana w/o Shrikrushan Khobragade ..vs.. Hindustan Petroleum Corporation Ltd., Nagpur )

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. N.S. Khubalkar, Counsel for the petitioner,  
Mr. A.M. Quazi, Counsel for the respondent.

**CORAM : AVINASH G. GHAROTE &  
ABHAY J. MANTRI, JJ.**

**DATE : 29-11-2024**

Heard Mr. N.S. Khubalkar, learned Counsel for the petitioner. The petition questions the communication dated 21-11-2019 (Page No.82), by which the petitioner was intimated that the selection of the petitioner for grant of retail outlet dealership was found to be ineligible on the ground that the offered plot was not in Dhangarwadi village which was the location advertised. It also questions the communication dated 26-2-2021 (Page No.96), by which the respondent has cancelled the subject location. Mr. A.M. Quazi, learned Counsel for the respondent supports the impugned orders/actions.

2. The location of village Dhangarwadi was advertised by the respondent for grant of retail outlet dealership in pursuance to which the petitioner had applied and was intimated to have been selected being the sole applicant, by a communication dated 19-9-2019 (Page No.78). However, thereafter upon a visit to the site, the respondent noticed that

the location was not situated in village Dhangarwadi, on account of which the abovesaid impugned communication dated 21-11-2019 (Page No. 82) came to be issued indicating that the petitioner was not found to be eligible.

3. Though the learned Counsel for the petitioner contends, that village Dhangarwadi and Sevadas Nagar are one and the same locations, to substantiate which he has relied upon the certificate of the Tahsildar dated 03-12-2019 (Page No.145), it is equally true that there is no village in existence by the name of Dhangarwadi on account of which the respondent has cancelled the subject location by the communication dated 26-2-2021 (Page No. 96). The cancellation of the subject location by the respondent clearly appears to be on account of a misconception regarding the existence of the village on account of which the cancellation cannot be faulted, as also the expectation that in case the correct location was given, there would have been more number of offers which may have been received by the respondent. However, that does not deter from the fact that on account of the mistake of the respondent, the petitioner has been constrained to approach this court and fight out this litigation, in view of which, though we accept the contentions of the respondent regarding cancellation of the location on account of mistake committed on their part by including non existent location in the advertisement and we dismiss the petition, however, we deem it fit and proper to impose the costs of Rs.50,000/- upon the respondent, for the trouble the

petitioner has been put to at their instance. The costs shall be paid within a period of one week from today and so also the amounts deposited by the petitioner with the respondent shall be refunded to the petitioner along with interest of 6% p.a. from the date of deposit till the date of refund. The same shall be done within a period of two weeks from today.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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