



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.8588 OF 2025

Sayyad Samir s/o Sayyad Akbar
Age: 31 years, Occu.: Business,
R/o Near Jama Mashid, Ranisawargaon,
Taluka Gangakhed, District Parbhani

.. Petitioner

Versus

1. Bharat Petroleum Corporation Ltd.,
12/E and F, Maker Tower,
Cuffe Parade, Post Box No.19949,
Mumbai – 400 00.

2. Bharat Petroleum Corporation Ltd.,
Territorial Manager (Retail),
Ahmednagar Territorial,
At post Akolner,
Taluka and District Ahmednagar.

.. Respondents

...
Mr. Amol R. Gaikwad, Advocate for the petitioner.
...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 16 OCTOBER 2025

ORDER :

. Present petition has been filed for quashing the impugned letter dated 19.05.2025 and communications dated 23.05.2025 and 27.05.2025 issued by respondent No.2. Further, the prayer has been made to direct the respondents to consider the candidature of the petitioner for allotment of

Retail Outlet Dealership.

2. Heard learned Advocate for the petitioner.

3. He submits that the petitioner had responded to the advertisement dated 25.11.2018 published by the respondents seeking applications from the eligible persons for Retail Outlet Dealership including the location of village Ranisawargaon Rural under the open category. Online application for dealership was submitted by the petitioner on 22.12.2018 and the land that was offered by the petitioner was Gut No.587 admeasuring 0.49 R adjacent to Ranisawargaon to Gangakhed Road, which was in the rural area. It is then submitted that due to Covid-19 pandemic situation, the respondents have not proceeded further till 2021, but by letter dated 12.03.2021, respondent No.2 informed the petitioner that he is the successful candidate in the draw conducted on 10.03.2021 for selection of Retail Outlet Dealership at the subject location and directed him to remit amount of Rs.40,000/- towards security within 10 days. The said amount was then given by the petitioner. Evaluation Committee had visited the spot and then respondent No.2 had issued communication stating that the land offered by him is situated abutting the State Highway No.254, whereas the location that was advertised ought to have been under the rural area category. Therefore, they made the petitioner ineligible and

informed that the claim of the petitioner may be considered from Group-3 category as per the guidelines. The petitioner was waiting for the representation that was orally made by him for consideration of the same plots under rural area, as later on in the development plan, the road was converted into State Highway. However, the petitioner also responded to the alternative suggestion for Group-3 category vide communication dated 07.10.2024. It is stated that respondent No.2 had issued one more communication dated 14.01.2025 thereby requesting the petitioner to submit documents in respect of suitable land in the advertisements through online portal by 13.04.2025, failing which the application for Retail Outlet Dealership would be rejected. The petitioner had informed to respondent No.2 by letter that due to technical problem, he was unable to take note of E-mail sent to him and could not receive the said communication. He made such applications on 06.05.2025. Respondent No.2 then issued communication dated 19.05.2025 stating that since the petitioner has failed in responding, his candidature has not been considered. The delay was again explained by the petitioner, but by impugned communications it was informed that respondent No.2 will not consider the candidature of the petitioner and if he has grievance, then he should approach the grievance committee. But the grievance committee has not considered the request of the petitioner. Hence, the petitioner has approached this Court.

4. The facts are clear and we do not want to repeat the same. Though the petitioner was considered as eligible candidate, when the land evaluation committee had visited the spot, it was found that his land was abutting the National Highway and it was then found that it was not as per the requirement or advertisement. When alternative option was made available by the respondents by letter dated 14.01.2025 and sufficient time was given till 13.04.2025, the petitioner ought to have responded. It was made clear in the letter dated 14.01.2025 that if he fails to update the land details on the web portal by 13.04.2025, his application is liable to be rejected. Now, what was that technical problem has not been explained by the petitioner in his letter dated 06.05.2025. Technical problem cannot linger for about almost three months in respect of checking mails. The rejection appears to be correct. The letter dated 06.05.2025 by the petitioner is as cryptic as it is. When and how he sorted out the technical problem is also not mentioned. There is no question of then application before the Grievance Committee to be decided. Even if for the sake of arguments it is to be noted that by communication dated 26.05.2025 the petitioner had tried to give explanation for his delay, then it is stated that because his area is rural there was difficulty in the network and technical defect in mobile. All those details could have been even filled in and sent on the web portal by reaching to a good place where there would be no

network problem and even by use of mobile phone of another person. The other available resources have not been considered and utilized by the petitioner and, therefore, we do not find any defect in the action taken by the respondents. The petition stands rejected at the threshold.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm