



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.12400 OF 2025

Dnyaneshwar Madhukar Bhagyawant,
Age-37 years, Occu:Business and
Agriculture, R/o-Donja,
Taluka-Paranda, District-Dharashiv.

...PETITIONER

VERSUS

- 1) The Union of India,
Through the Secretary,
Government of India, Department
of Petroleum and Natural Gas,
Parliament House, New Delhi,
- 2) The Divisional Retail Head,
Indian Oil Corporation Limited,
Pune Division Office, Pune,
- 3) The Regional Manager,
Indian Oil Corporation Limited,
Solapur, Taluka and District-Solapur,
- 4) The Collector, Dharashiv,
- 5) The Sub Divisional Officer,
Bhoom, District-Dharashiv,
- 6) The Tahsildar, Paranda,
Dist-Dharashiv,
- 7) Bhausahab Sunil Sutar,
Age-37 years, Occu:Business,
R/o-Vatephal, Taluka-Paranda,
District-Dharashiv,

- 8) The Deputy Superintendent of
Land Record, Paranda,
District-Dharashiv.

...RESPONDENTS

...
Mr. V.S. Undre Advocate for Petitioner.
Mr. S.W. Munde, Senior Panel Counsel for Respondent No.1.
Mr. A.P. Bhandari Advocate for Respondent Nos. 2 and 3.
...

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

DATE : 15th OCTOBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present petitioner challenges the order/communication dated 3rd September 2024, issued by respondent No.2, thereby rejecting the complaint of the petitioner on the ground of delay in filing the complaint. It is also prayed that appointment of retail outlet dealership of Indian Oil Corporation Limited at location "within 4 KM from MSEDCL, Donja Substation towards Donja on Donja Village road at Donja, Taluka Paranda, District-Dharashiv" by Indian Oil Corporation in favour of respondent No.7 be declared as illegal and ineligible in view of the complaint filed by the petitioner. The petitioner also prays that respondents shall decide objection applications filed by the petitioner on 29th April 2024, 19th September 2024 and 9th October 2024, raising

objection for the selection of respondent No.7 Bhausaheb Sunil Sutar, for the said retail outlet.

2. The petitioner has contended that respondent Nos. 1 to 6 are the authorities having overall control of grant of appointment of retail outlet dealership of Indian Oil Corporation Limited at the location aforesaid. The petitioner was also one of the participants. Respondent No.7 has been selected by respondent Nos. 1 to 6. The objection raised by the petitioner has been rejected only on the ground of delay. In fact the respondent corporation had issued the advertisement calling applications/ proposals from the interested persons for granting retail outlet dealership of Indian Oil Corporation Limited Petrol Pump at the aforesaid location. The petitioner contends that the said location was reserved for O.B.C. category. The petitioner came to be qualified for draw of lots for selection of RO dealership and he was directed to remain present on 28th December 2023. In spite of several deficiencies in the proposal filed by respondent No.7, it is stated that the same came to be selected. Since the petitioner has received information in respect of various deficiencies and fabricated documents used while obtaining layout and Non-Agricultural Permission (for short "N.A.

permission”), complaint applications/objections were filed by the petitioner. However, those were not entertained only on the ground of delay. Hence, the present Petition.

3. Heard learned Advocate Mr. Undre for the petitioner, learned Senior Panel Counsel Mr. Munde for respondent No.1 and learned Advocate Mr. Bhandari for respondent Nos. 2 and 3.

4. Learned Advocate appearing for the petitioner has taken us through all the documents on record, especially the Brochure and the advertisement. Even the petitioner was also selected for the draw of lots. Later on, after the selection of respondent No.7, the petitioner came to know that N.A. permission layout documents filed by respondent No.7 are the fabricated documents. Gat No.106 at villate Donja, which was the place shown by respondent No.7 to obtain dealership, was never measured by the Office of Taluka Inspector of Land Records. After obtaining the documents, the objection letter was given by the petitioner on 29th April 2024, for which response was received on 3rd September 2024, from the respondent corporation stating that they were unable to process the complaint by the petitioner as the same was not received by

them within the stipulated time i.e. 30 days of the declaration of the result.

5. Learned Advocate for the petitioner relies on the decision in *Sanjeev Kumar vs. Indian Oil Corporation Ltd., 2014 SCC OnLine Delhi 2244*, wherein the petitioner had challenged the decision of re-evaluation committee and after consideration of the documents obtained under the Right to Information Act, it was held that the decision taken by the committee was wrong and it was set aside. The said decision was then challenged before the Division Bench of the Hon'ble Delhi High Court, in *Indian Oil Corporation Limited vs. Sanjeev Kumar, AIR 2015 Delhi 205*. The decision of the Hon'ble Single Bench was confirmed. There also the objections were not properly considered, therefore, the learned Advocate for the petitioner insisted that at least respondent Nos. 1 and 2 be directed to consider the applications/representations filed by the petitioner.

6. Learned Advocate for respondent Nos.2 and 3 submitted that Clause No.18 of the Brochure stipulates that an aggrieved person can make complaint to Indian Oil Corporation. Clause 18(ii) of the Brochure specifically stipulates that any complaint

received after 30 days from the date of draw of lots/bidding process/direct selection will not be entertained. Here, in this case the Brochure and advertisement was published on 28th June 2023. The petitioner was directed to remain present on 28th December 2023, vide communication dated 16th December 2023. On that day itself, it appears that in the lucky draw, respondent No.7 was selected. However, complaint/objection letter has been given by the petitioner on 29th April 2024, which appears to have been received by respondent No.2 and has been answered by the impugned order/communication dated 3rd September 2024 stating that it was beyond the period of 30 days from the date of declaration of result. Therefore, no fault can be found.

7. The first and foremost fact that is required to be noted is that the petitioner had participated in the entire process. He was then expected to go through the entire Brochure carefully. He had also knowledge about the selection of respondent No.7, on 28th December 2023 itself and therefore, as per clause 18 (ii) of the Brochure, regarding Grievance Redressal System, the petitioner ought to have given his objection within 30 days from the date of the declaration of the result of the interview. In his pleadings, the petitioner has not explained as to what were

those circumstances which prevented him from raising objection within the said period of 30 days. The documents at Exhibit-D to the Petition would also show that the petitioner appears to have raised formal objection on 29th April 2024, without any annexure. The objection which he has raised in his letter dated 29th April 2024, was that the land shown by respondent No.7 has lots of encroachments. The second objection letter was given on 16th August 2024 with some annexures, such as google map showing Gat Nos. 64 and 106, and copy of the objection application against layout permission. Thereafter, it appears that on 9th October 2024, the petitioner raised certain objections with District Collector, Dharashiv regarding N.A. Permission and sought information from Taluka Inspector of Land Records regarding measurement by giving letters dated 26th September 2024. The objection has also been taken with Sub Divisional Officer, Bhoom, on 19th September 2024, raising objection in respect of N.A. permission. All these things have not been done within the period of 30 days which was made available and in spite of the fact that he was the participant in the entire process, yet slept over the period of 30 days, therefore, we are not inclined to exercise our constitutional powers.

8. The decision in *Sanjeev Kumar vs. Indian Oil Corporation Ltd.*, (supra) by the Hon'ble Single Bench of Delhi High Court would show that what was challenged therein was the decision by re-evaluation committee whereby re-evaluation of all eligible candidates was carried out and a fresh merit panel list was prepared wherein the petitioner therein was moved from 3rd to 4th position. There was no question of objection by anybody in that matter. The facts being not similar, the decision will not help the petitioner herein.

9. When the delay has not been explained by the present petitioner, we are not inclined to grant any relief as prayed by the petitioner. The Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE