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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11844 OF 2025

Rushikesh Vitthalrao Jadhav

VERSUS

The Union Of India Through It's Secretary And Others

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Advocate for Petitioner : Mr. S. S. Nade

AGP for Respondents : Mr. N.U. Yadav

Advocate for Respondent no.1 : Mr. N.U. Yadav

Advocate for Respondents no.2 and 3 : Mr.A.P. Bhandari

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

Dated : December 04, 2025

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FINAL ORDER :- (Per Hiten S. Venegavkar, J.)

1. The present Writ Petition under Article 226 of the Constitution of India, has been instituted by the petitioner seeking directions to respondent nos.1 to 3, who are Indian Oil Corporation Limited (for short "IOCL") and its officers to cancel the provisional letter of intent issued in favour of Respondent No.4 for a retailer outlet dealership. The petitioner further seeks a direction that a fresh draw of lots be conducted from amongst the remaining eligible candidates.

2. The facts, as pleaded by the petitioner, indicate that on 28th June, 2023, IOCL published an advertisement in the local newspaper Daily Lokmat, inviting applications for allotment of retail outlet

dealership at various locations. One such being within three kilometers of Shivajinagar Chowk, Dharur, listed at serial number 267. The petitioner applied on-line in response to the Advertisement and participated in the selection process, which included a drawing of lots. The petitioner states that on 27th December, 2023, the draw of lots was conducted, pursuant to which Respondent no.4 was provisionally selected. A letter of intent was thereafter issued to Respondent No.4. According to the petitioner, IOCL issued the letter of intent without adhering to the mandatory procedure prescribed in the selection brochure. In particular, it is urged that the land offered by Respondent No.4 was required to be verified by the Land Evaluation Committee and the Field Verification Committee before issuance of the letter of intent. The petitioner alleges that the verification was either per-functionary or entirely omitted and that the Committees have concealed the fact that the land bearing gut number 593, as claimed by respondent no.4 does not exist in village Dharur.

3. The petitioner further asserts that Respondent No.4 falsely represented in his application that he possessed land bearing gut no.593 admeasuring 40x40 meters and in support produced a 7/12 extract of the same. The petitioner contains that gut number 593 does not exist in Dharur and that only a plot bearing gut number 593/3 is reflected in

the revenue records. According to the petitioner, Respondent No.4 mislead IOCL by furnishing non-existent land details and IOCL without due verification acted fraudulently in issuing the letter of intent. Based on these submissions, it is prayed that the provisional selection of Respondent No.4 and the letter of intent issued in his favor be quashed and that a fresh draw of lots be ordered.

4. In response, the learned counsel appearing for respondent nos.2 and 3 has opposed the petition both on the ground of delay and on merits. It is submitted that the entire selection process pertains to the year 2023. Applications were submitted in December 2023, the draw of lots was conducted in the same month and the letter of intent was issued to Respondent no.4 in June 2024. However, the petitioner raised objections for the first time on 13th June, 2025, nearly one year after issuance of the letter of intent. This grievance was replied to by IOCL within three days. Counsel has drawn attention to clause 18 sub-clause (II) of the selection brochure which stipulates that complaints relating to the draw of lots, bidding process or direct selection shall not be entertained if filed after 30 days from the date of the draw. The petitioner, it is urged, was fully aware of these conditions yet allowed the period of limitation to lapse without explanation.

5. The respondents further submit that the selection process is governed strictly by the selection brochure, which is in force since 2016. Clause-15 mandates a detailed field verification of credentials including verification of all details submitted by the provisionally selected candidate. Respondents assert that field verification regarding Respondent No.4 was duly carried out and all documents were found to be in order before the letter of intent was issued. They contend that the petitioner has failed to plead any instance of malafides, bias or favoritism and has made only bald assertions without producing any cogent material to demonstrate violation of any statutory rule or guideline. They therefore urge dismissal of the petition.

6. Having heard the learned counsel for the parties and having perused the material placed on record, it is necessary first to address the issue of delay and laches. The record reveals that the Advertisement was published in June 2023, applications were received and processed in December, 2023 and the draw of lots was held in the same month. The letter of intent in favor of Respondent No.4 was issued on 13th June, 2024. Despite being aware of the entire process, the petitioner raised objections for the first time by issuing a legal notice dated 13th June, 2025. The petitioner has approached the authorities after an unexplained delay of almost one year. Clause-18 of the

selection brochure explicitly prescribes a limitation period of 30 days for filing complaints against the draw of lots or any aspect of the selection process. This clause formed part of the very brochure upon which the petitioner relies and was undoubtedly within the petitioner's knowledge. No explanation has been tendered in the petition for the failure to lodge a complaint within 30 days, nor has any cause been shown to warrant condonation of delay. In matters governed by detailed procedural guidelines, the Courts are slow to interfere where the aggrieved party has slept over its rights and approached the Court belatedly. The petition therefore is barred by limitation.

7. Even if the matter is examined on merits, the petition cannot sustain. The foundation of the petitioner's challenge is the alleged non-existence of Gut no.593 in village Dharur. However, the revenue records annexed at page nos.25 and 26 of the petition itself indicates the existence of gut no.593 subdivided into parts including gut no.593/3, standing in the name of Respondent No.4. The petitioner's assertion that gut no.593 does not exist is therefore contrary to the documentary evidence produced.

8. The further contention that IOCL issued the letter of intent without verifying the land details is equally without substance. Respondent No.3 in its affidavit has categorically stated on oath that

field verification was carried out in strict compliance with the selection brochure and that the documents and details submitted by Respondent No.4 were verified and found satisfactory. The petitioner has not denied or rebutted these statements by filing a rejoinder. In the absence of any contrary documentary material, there is no reason to discard the statements of the public authorities, who are presumed to act in accordance with law unless malafides or arbitrariness are specifically pleaded and proved. The petitioner has pleaded no specific act of malice, bias, or favoritism on the part of IOCL officials, nor has any material been placed before the Court that would justify interference within the administrative process.

9. A Writ Court, exercising jurisdiction under Article 226 of the Constitution of India does not sit as an appellate authority over the decision of expert bodies unless there is clear evidence of procedural irregularity, arbitrariness, malafides or violation of salutary provisions. None of these grounds are established in the present case. The petitioner's grievance is founded on assumptions and conjectures rather than demonstrable legal infirmities in the selection process.

10. For these reasons, the Writ Petition must fail on both grounds. Firstly, on account of inordinate and unexplained delay and second, on the absence of any merits in the allegations levied against

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the respondents. The process adopted by IOCL has been shown to be in conformity with the selection brochure. The land offered by respondent no.4 is borne out by the revenue records. The field verification has been conducted and the petitioner has not established any illegality or arbitrariness warranting interference by this Court.

11. In the result, the writ petition is **dismissed** as devoid of merits. There shall be no orders as to cost.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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