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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1177 OF 2025

Abhijeet s/o Bandu Housalmal,
Age: 34 years, Occupation – Business
At Gandhi Nagar, Near Jadhavar Hospital,
Kallamb, Dist. Osmanabad - 413 507

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through the District Collector,
Beed, Tal and District Beed
2. Executive Engineer,
Public Works Division,
Beed, Tal and District Beed
3. Sub-Divisional Engineer,
Public Works Sub-Division,
Parali-Vaijnath,
Tal. and District Beed
4. Assistant Engineer,
National Highways Sub-Division No.4,
Beed, Tal and District Beed
5. Head of the Territory Office,
T. M. Retail,
Bharat Petroleum Corporation Ltd.,
At Post – Akolner,
Taluka and District – Ahmednagar

....RESPONDENTS

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Mr Bipinchandra K. Patil, Advocate for petitioner
Mr S. V. Hange, A.G.P. for respondents/State
Mr Anand P. Bhandari, Advocate for respondent No.5

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**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 27th February, 2025

JUDGMENT (PER : PRAFULLA S. KHUBALKAR, J.)

1. Heard. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The petitioner takes exception to communication dated 06/03/2024, issued by respondent No.5/Bharat Petroleum Corporation Ltd. disqualifying him for allotment of Retail Outlet dealership from Group-1 and directing him to be considered from Group-3 as per the guidelines.

3. The facts in nutshell leading to filing the instant petition are stated below :-

(a) Respondent No.5 floated advertisement on 28/06/2023 for allotment of Retail Outlet (R.O.) dealership at various locations.

(b) In response to the advertisement, the petitioner applied for the location 'from Pangri to Tokwadi on NH-361-F Shirsala-Parali Road, District Beed, State of Maharashtra.'

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(c) On 16/12/2023, the petitioner was informed that he was qualified for draw of lots to be held on 27/12/2023.

(d) On 27/12/2023, respondent No.5 issued communication informing the petitioner that, based on draw of lots, he has been declared as provisionally selected. It was specifically mentioned that this was only a preliminary intimation of provisional selection and the award of dealership was subject to compliance of terms and conditions of the Corporation.

(e) On 13/02/2024, the Land Evaluation Committee (LEC) of respondent No.5 visited the petitioner's location and after evaluation, prepared a report, in presence of the petitioner.

(f) The Territory Manager of respondent No.5 informed the petitioner by a letter dated 06/03/2024 that, on the basis of report of Land Evaluation Committee, he was found ineligible as the Committee found existence of an intersection of village road to Kauthali Tanda at 100 meters on opposite side of offered plot and hence, the land was not found suitable.

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(g) The petitioner was therefore informed by communication dated 06/03/2024 that he was not eligible from Group-1, however, his candidature would be considered from Group-3 as per the guidelines.

4. Feeling aggrieved by the decision of respondent No.5, declaring the petitioner disqualified from Group-1, the petitioner has filed the instant petition.

5. Learned advocate Mr B. K. Patil for the petitioner has vehemently argued that the decision of respondent No.5 is arbitrary and illegal being violative of principles of natural justice. He has submitted that there is no evidence to demonstrate that there is any intersection within 300 meters of the location and the report of the Land Evaluation Committee is factually incorrect. He has averred in the petition that he was not served with report of the Land Evaluation Committee and the impugned decision, being one sided, is violative of principles of natural justice. Further, he has relied upon a letter dated 10/05/2024, issued by the Assistant Engineer of National Highway, Sub-Division 4, Beed, which was issued to the petitioner informing thereby that there is no proposed major/minor junction on the National Highway 361F at the location offered by the petitioner. The petitioner

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has, thus, assailed the decision of respondent No.5 and prayed for a declaration of eligibility for allotment of Letter of Intent.

6. Learned advocate Mr Anand Bhandari for respondent No.5 strongly opposed the petition. On the basis of stand of respondent No.5 as pleaded in reply dated 21/01/2025, he justified the impugned decision. He submitted that, in view of clause 14(I) of the brochure for selection, respondent No.5 has rightly taken a decision based on report of Land Evaluation Committee. In respect of his submission, he relied upon a decision in identical fact situation rendered by this Court in Writ Petition No.5810/2019 (Ratnamala Shrikrishna Jadhav Vs. State of Maharashtra and others) by judgment dated 10/06/2019.

7. We have considered the rival submissions and perused the papers.

8. The allotment of Retail Outlet dealership has to be in accordance with terms and conditions of the brochure for selection. Clause 14(I) of the brochure categorically provided for conditions related to 'Land Evaluation'. This clause specifically lays down the parameters for deciding suitability of land being based on evaluation

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by Land Evaluation Committee and it provides that the land must meet NHAI norms. It is specifically stated that land not meeting any of the parameters as stated in the clause will not be considered and will be rejected.

9. Perusal of the report of the Land Evaluation Committee, dated 13/02/2024 shows that the inspection of land was conducted on 13/02/2024 in presence of the petitioner, who endorsed the report by his signature. It has to be noted that the award of dealership was dependent upon compliance of terms and conditions of the brochure for selection. The decision about suitability of land has to be on the basis of report of the Land Evaluation Committee. In the instant case, the Land Evaluation Committee of respondent No.5 has specifically observed that *'there is intersection of village road to Kauthali Tanda at 100 Mtrs on opposite side of offered plot gut no. 321. The offered land is on undivided road NH361F. Hence offered land is not found suitable as it is not meeting NHAI norms'*. It is pertinent to note that the report was prepared by the committee with due notice and in presence of the petitioner, who even put his signature below it.

10. In view of this report, respondent No.5 has taken final decision to disqualify the petitioner from Group-1. Respondent

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No.5/Corporation is the best person to decide suitability of a particular land for award of dealership. An individual offering his land cannot impose his decision and insist for a declaration of his eligibility. The preliminary selection of the petitioner did not confer any right to get final allotment since the same was clearly dependent upon further terms and conditions. The decision of respondents is based on the report of the Land Evaluation Committee, which has conducted the inspection in the presence of the petitioner. No mala fides have even been attributed to respondent No.5/Corporation. The averments and grounds raised by the petitioner, alleging violation of rules of natural justice are, therefore, devoid of substance.

11. We find no illegality or arbitrariness in the decision of respondent No.5/Corporation. The petitioner has failed to make out any case warranting indulgence under Article 226 of the Constitution of India. The petition, thus, deserves to be dismissed and the same is accordingly dismissed. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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