

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13692 OF 2024

Mahadev Ambads Baradkar

...Petitioner

Versus

Director of Marketing, Indian Oil Corporation
Ltd. & Anr.

...Respondents

Mr. Machhindra Patil for Petitioner.

Mr. Chirag Mody a/w Ashok Purohit, Ms. Vishakha Patel i/b Ashok Prohit &
Co., for Respondents.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 02 APRIL 2025

P.C.

1. We have heard learned counsel for the parties. The only substantive prayer as made in the petition reads thus:

"(b) This Hon'ble Court be pleased to issue the writ or any other nature of writ or writ of mandamus thereby direct Respondent No.2 to issue the final allotment letter for Retail Outlet Dealership to the Petitioner at village Natepute Bypass of Malshiras-Natepute NH forthwith;"

2. On 4 March 2025, we had passed a detailed order, whereby, we had directed that in the peculiar facts and circumstance of the case, the grievance of the petitioner on the documents needs to be examined by the designated

officer of the respondent and an order be passed in accordance with law. The said orders read thus:

"1. We have heard learned Counsel for the parties. The petitioner has made an application for allotment of petroleum outlet. The process was undertaken as per the Rules and Regulations of the Indian Oil Corporation Ltd. It appears that the contention of the petitioner is that qua the petitioner, the process could not be taken forward as the petitioner had not submitted certain documents as there was deficiency in the petitioners documents. It is contended by the petitioner that in the OnLine process the documents could not be uploaded and therefore, the said documents are required to be filed manually. The respondent has acknowledged receipt of such documents by its letter dated 14 September 2024.

2. In view of the peculiar facts and circumstances of the case and without considering it as a precedent, we are of the opinion that considering the grievance of the petitioner, the respondent needs to examine the documents submitted by the petitioner and take an appropriate decision in that regard in accordance with law insofar as the allotment of petroleum outlet to the petitioner is concerned.

3. Let the petitioner be heard in this regard on all the documents and the decision taken by placed on record on or before the adjourned date of hearing.

4. All contentions of the parties are expressly kept open.

5. Stand over to 26 March 2025.

6. Parties to act on the authenticated copy of this order"

3. In pursuance of such order, we are informed that an order dated 20 March 2025 has been passed by the Divisional Retail Sales Head, Pune Divisional Office, whereby, the petitioner's application has not been found to be eligible. A copy of such order is placed on record which appears to be a detailed order taking into consideration various terms and conditions of the broacher. In our opinion, if the petitioner is aggrieved by this order, it is for

the petitioner to take recourse to appropriate proceeding as the law may permit.

4. We accordingly disposed of this petition with such liberty and keeping open all contentions of the parties on the order dated 20 March 2025.

5. Disposed of. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)

Corrected order as per speaking to the minutes of the order dated 8 April 2025.