

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2447 OF 2025

Yogesh Waman Gaikwad

...Petitioner

Versus

Indian Oil Corporation Ltd.

...Respondent

Mr. S. M. Gorwadkar, Senior Advocate a/w Mr. Niranjan Mogre,
Advocate for the Petitioner.

None for the Respondent.

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**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 24th FEBRUARY 2025

P.C. :

1. Not on Board. Taken on Board as mentioned on account of urgency.

2. The Petitioner seeks allotment of retail petroleum outlet at location 'Padel Canteen MSH4 Junction and Talere NH66 intersection on State Highway, District Sindhudurg. It is the case of the Petitioner that he had offered land bearing Survey No. 34/1/D/2/1, which is owned by him, however, while filling online form, the location was described as Survey No. 34-1D/2/3. On ground that said the defect is non-rectifiable in view of the Clause 23(p) of the Brochure published by the Respondent, the Petitioner's application form has been rejected. His representation dated 19.10.2024 has also been rejected on the same ground.

3. It is submitted by the learned Senior Advocate for the Petitioner that identity of the land not being in dispute nor change in the survey number being sought, minor mis-description of the land ought to be permitted to be corrected. He invites attention to the judgment dated 16.04.2021 in the matter of **Gosala Raju vs Indian Oil Corporation ([2021] 0 Supreme (AP) 201)** passed by the Andhra Pradesh High Court interpreting the very same Clause.

4. Issue notice to the Respondent, returnable on 10.03.2025. Service by all modes is permitted.

5. It is informed that the draw of lots for the location in question is to be undertaken today at 2.15 p.m. By an ad-interim order it is directed that the process of allotment of the aforesaid location would be subject to further orders in this Writ Petition.

6. The Petitioner to communicate this order to the Respondent, who shall thereafter inform the interested applicants and give due publicity to the same in respect of the site in question.

7. The parties to act on an authenticated copy of this order.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)