

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2165 OF 2024

Ashwinkumar Suresh Pardeshi	...Petitioner
Versus	
Bharat Petroleum Corporation Ltd	...Respondent

Mr. Rameshwar N. Gite a/w Adv. Pratiksha P. Shelke, Adv. Sandesh Shinde, Adv. Aditi Thakre, for Petitioner.

Mr. R.V. Pawar a/w Adv. Amol Bavane i/b Pragnya Legal, for Respondent No. 1- BPCL.

Mr. Chirag Mody a/w Mr. Ashok Purohit & Janhavi i/b Ashok Purohit & Co., for Respondent No. 2.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 26 September 2025

ORAL JUDGMENT(*PER. M.S. Sonak,J*) :-

1. Heard Mr. Rameshwar Gite, learned counsel for the petitioner, Mr. R.V. Pawar instructed by Pragnya Legal for the first respondent and Mr. Chirag Modi, for the second respondent (IOCL).

2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.

3. Mr Gite agrees that no relief has been sought against the second respondent and prays to delete the second

respondent from the array of parties.

4. The Necessary Amendment is to be carried out forthwith.

5. Reverification is dispensed with.

6. The petitioner seeks an appropriate writ for allotment of retail outlet dealership at the location specified in the prayer clause 'A' of the petition.

7. Mr Gite submits that the petitioner was selected on a draw of lots, and now the first respondent is avoiding allotment for reasons which are not germane or relevant.

8. He points out that no decision regarding the dropping of the entire selection process has been communicated to the petitioner, and in any event, even the principle of natural justice and fair play has not been followed in this matter.

9. He relies on decision of this Court in the case of ***Suvarna Deore vs. Bharat Petroleum Corporation Limited & Anr.*** in Writ Petition No. 1148 of 2022 decided on 8 July 2022.

10. Mr R. V. Pawar, learned counsel for the first respondent, tenders an affidavit and points out that the so-called selection was only provisional. He submits that after such provisional selection, it was realised that the location was on a national highway, not a state highway. He submitted that, therefore, a fresh advertisement has been issued, and

this time the location has been reserved for members of the OBC category.

11. From the affidavit filed before us, it does appear that the first respondent has taken a decision to abandon the selection process in which the petitioner was selected, whether provisionally or otherwise. At this stage, we do not wish to enter into the controversy whether the petitioner's selection was provisional or final.

12. However, we believe that before abandoning the selection process, the first respondent should have adhered to the principles of natural justice and fair play. The decision, which effectively leads to the cancellation of the petitioner's selection, whether provisional or otherwise, undoubtedly has certain civil consequences for the petitioners. Fairness requires that such a decision be made only after at least some compliance with the principles of natural justice.

13. Mr Gite pointed out that the petitioner is a member of the scheduled caste community. He pointed out that the location in question had been reserved for the scheduled caste community. Valid selection procedures were held, and it is on draw of lots that the petitioner was declared successful.

14. Considering the above submission, we agree with Mr Gite that this entire process should not have been abandoned without at least minimal compliance with the principles of natural justice and fair play.

15. Mr Gite stated that the petitioner is already

represented in the matter and, in any event, the petitioner would, within two weeks, file an additional or a comprehensive representation seeking allotment at the same site or, in any event, for compensation in addition to or in substitution of the allotment. He requests that direction be issued to the first respondent to dispose of such representation after hearing the petitioner as expeditiously as possible. He requests that if the decision is not favourable to the petitioner, the petitioner may be granted liberty to challenge the same in accordance with the law.

16. The suggestion made by Mr Gite is reasonable in the peculiar facts of the present case.

17. Accordingly, we grant the petitioner liberty to make a comprehensive representation by raising all permissible grounds, including the grounds raised in this petition. The first respondent is directed to consider and dispose of this representation after hearing the petitioner as expeditiously as possible and in any event within six weeks of its receipt. A reasoned decision must be communicated to the petitioner within this period.

18. If the petitioner is not satisfied with the decision, he shall have the liberty to challenge the same in accordance with the law.

19. However, we clarify that representation must be decided without prejudice to what is set out in the affidavit in reply, which was tendered before us today.

20. Mr Gite pointed out that this Court had granted interim relief in this matter on June 11, 2024. The said interim relief is now continued for a period of three months from the date of uploading of this order. This is provided the petitioner makes his comprehensive representation within two weeks and the first respondent disposes of such representation within six weeks of its receipt. If the petitioner makes the representation within two weeks, the interim relief is extended up to the date of disposal of this representation and its communication to the petitioner.

21. The petition is disposed of in the above terms. No costs.

(Advait M. Sethna, J)

(M.S. Sonak, J.)