



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4027 OF 2024

Vishal Devidas Jadhao

-Vs.-

The Indian Oil Corporation Ltd., Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr.P.S.Kshirsagar, Adv. for the petitioner.
Mr.Abhijit Khare, Adv.for the respondent.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 20TH JANUARY, 2025

The petition questions the rejection of the candidature of the petitioner, for grant of retail petroleum outlet at the location situated on Ghatanji-Pandharkawda Road in Yavatmal District. The requirement of the advertisement dated 28/06/2023 was the availability of the land with the applicant having a minimum lease of 19 years and 11 months from the date or after the date of advertisement but not later than the date of the application. The petitioner filed an application 22/09/2023, however, along with the application, no lease deed complying with the requirements of law was filed. All that was filed was an agreement of lease (Pg.109) dated 22/09/2023 for a duration 22/09/2023 to 21/09/2048 for a period of 25 years indicating delivery of possession on 22/09/2023 itself. However, as against this the registered lease deed of the same property registered on 19/12/2023 (Pg.124)

indicates, that the possession was given on the date of the execution of this lease deed, which is executed on 18/12/2023. This would itself indicate, that under the agreement dated 22/09/2023, no possession was received by the petitioner of the subject land. In terms of the advertisement, what is required is the availability of the land on the date of the application, which the terms of the registered lease deed dated 18/12/2023, would indicate was absent with the petitioner. It is thus apparent, that the basic requirement of the land being available on the date of the application, itself was not fulfilled by the petitioner. That being the position we do not see any reason to interfere in the impugned communication dated 21/05/2024 (Pg.124) rejecting the candidature of the petitioner. The petition is dismissed. No costs.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)