



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6769 OF 2024

(Priti Motiram Gedam & Anr.

Vs.

Indian Oil Corporation, Thr. Head of Divisional Office Indian Oil Corporation (Marketing Division), Nagpur)

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. Abhay Sambre, Advocate for the Petitioners.
Mr. Abhijeet Khare, Advocate for the Respondent.

CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 2nd APRIL, 2025

1. Heard Mr. Sambre, learned Counsel for the Petitioners and Mr. Khare, learned Counsel for the Respondent.

2. On 22.11.2024, the following position was recorded:

“Heard Mr. Abhay Sambre, learned Counsel for the petitioner. The petition questions the communication dated 31-5-2024 issued by the respondent No.1 rejecting the candidature of the petitioner for being awarded a retail outlet dealership at the area indicated therein, on the ground that the affidavit as per Appendix III, which requires the family members to grant their consent in case the property is a joint family property, to the person making the application to be granted dealership, was sworn in after the date of the

application, the date of the application being 23-9-2023 and the dates of the affidavits being 25-9-2023; 26-9-2023; and 02-10-2023, the last date of submission of the application for dealership being 17-10-2023, the extended date. Relying upon the note in the application format, it is contended that the affidavits were not be uploaded along with the application, but were to be submitted/uploaded as and when asked by the respondent-corporation and in any case, since the affidavits were ready with the petitioner before the last date of the application, the rejection is unjustified.”

3. Mr. Khare, learned Counsel for the Respondent, does not dispute the factuality as indicated in the above position. It is however his contention, that though the last date of submission of the application was extended till 17.10.2023, however, in view of the note appended below Clause 13 of the application form (page 21), the Petitioners ought to have submitted the affidavits of the joint owners alongwith the application dated 23.09.2023 and subsequent submission of the affidavits was not permissible. He also relies upon Clause 15(b) of the undertaking in the application, to contend that the application did not comply with the same on account of the subsequent submission of the affidavits.

4. The note below Clause 13 indicates, that in case the land belongs to member of the Family/Co-owners/Others then before submission of the application, notarized affidavit as per Appendix-III should be available with the applicant, which is to be uploaded/submitted as and when asked by Oil Company. The Undertaking at Clause 15(b) is to the effect, that the applicant is in possession of the original documents in respect of the information given in his application.

5. The application in the instant case was made by the Petitioners on 23.09.2023. Clause 13 of the application (page 19) indicates the details of land holders who are the relatives of the Petitioners, who have agreed to give the lands to the Petitioners for the purpose of an allotment of a retail outlet. The affidavits in this regard of the owners in Appendix-III are dated 25.09.2023, 26.09.2023 and 02.10.2023.

6. It is not disputed, that the last date of submission of the application for the dealership was extended upto 17.10.2023, and therefore, in our opinion, it was permissible, for the Petitioners, to cure any lacuna, such as filing of the affidavits in Appendix-III before the last date of submission. If this is not so held, then the extension of the last date for submission of the application would lose its significance inasmuch as the Petitioners, would be required to be held bound, to the date of 23.09.2023 as the only date on which the Petitioners would be permitted to file an application, which is not so on account of the extension.

7. We are of the opinion, that in view of the extension of the date of filing of the application, the impugned communication dated 31.05.2024 rejecting the candidature of the Petitioners, which is only on the ground that the Appendix-III, has been notarized after the date of the application of the Petitioners, without taking into consideration the date for making the application itself stood extended till 17.10.2023, before which it was permissible for the Applicants to make an application, cannot be sustained.

8. Though Mr. Khare, learned Counsel for the Respondent, relies upon *Suman Verma Vs. Union of India and others, 2004 AIR SCW 5490*, however, the same considers the position where the qualification was acquired after the cut off date. In the instant case, on account of the extension of the date for filing of the application to 17.10.2023, that would be the cut off date and not the date of the Petitioners filing the application and since the notarized Appendix-III were filed before the date, the requirement stood completed.

9. That being the position, we do hereby quash and set aside the impugned communication dated 31.05.2024 and **allow** the Petition by directing the Respondent to consider the candidature of the Petitioners, for the concerned retail outlet in case there is no other impediment.

10. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)