

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 163 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order dated 08/07/2025 in WP.No. 6446 of 2024. on the file of the High Court.

Between:

1. Bharath Petroleum Corporation Limited, Executive Director, Bharat Bhavan, 4 and 5, Currimbholy Road, Ballard Estate, Mumbai - 400001
2. Bharath Petroleum Corporation Limited, Territory Manager (Retail), Hyderabad Retail Territory Office, P.O. HCL, Post Bag No. 4, HCL, Cherlapally, Hyderabad- 500051

...APPELLANTS/REVIEW PETITIONERS/RESPONDENTS No.1 & 2

AND

Mr. Banothu Jawaharlal, S/o Banothu Kasna, Aged about 46 years, Occ. Business, R/o. 7-129/a, Lingya Thanda Balapala, KuraviMandalam, Warangal-506381

...RESPONDENT/RESPONDENT/WRIT PETITIONER

I.A. NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the Impugned Order dated 08/07/2025.

**Counsel for the Appellants: SRI D.NARENDAR NAIK
Counsel for the Respondent: SRI SRINIVASA RAO PUTLURI**

The Court made the following: JUDGMENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN**

WRIT APPEAL No. 163 of 2026

DATED : 25.06.2026

Between:

Bharath Petroleum Corporation Limited and another

... Appellants

AND

Mr. Banothu Jawaharlal

... Respondent

JUDGMENT:

Sri D. Narendar Naik, learned counsel appears for appellants.

Sri Srinivasa Rao Putluri, learned counsel appears for respondent/writ petitioner.

2. The instant Writ Appeal is directed against the order dated 08.07.2025 passed in Writ Petition No.6446 of 2024 by the learned writ Court.

3. The aforesaid Writ Petition was preferred with the following prayer:

“....to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in HRT. NRO-131, dated 26.02.2024 (received on dt.05.03.2024), wherein the Respondent No.2 has declared the petitioner's candidature as ineligible for

awarding of RO (Retail Outlet) dealership for the retail outlet situated at Batasingaram Village of Ranga Reddy District, due to an inadvertent typographical error in the period of lease, that crept in the lease deed bearing Doc. No. 937/2023 dated 15.09.2023, as wholly illegal, arbitrary, unjust, unconstitutional and violative of Article 14 and 19(1)(g), despite the document of rectification bearing Doc. No.61/2024 dated 25.01.2024 was submitted, thereby consequently to direct the Respondents to award the RO dealership at the aforesaid site.”

4. The candidature of the writ petitioner for award of Retail Outlet Dealership was declared ineligible by the impugned communication dated 26.02.2024 on the ground that as on the date of application i.e., 17.10.2023, the writ petitioner did not have valid lease of 19 years and 11 months, as per sub-clause (vi) of Clause-4 of Brochure for Selection of Dealers for Regular and Rural Retail Outlets. As on the date of application, the writ petitioner had submitted a lease deed for the period from 15.09.2022 to 14.09.2042. Petitioner received email dated 26.01.2024 to upload certain documents by 16.02.2024. Meanwhile, the writ petitioner had sought rectification of the lease deed on 25.01.2024 on realizing his mistake that the lease deed referred the period from 15.09.2022 to 14.09.2042 instead of 15.09.2023 to 14.09.2043, which rendered his candidature ineligible on account of failing to fulfill the minimum lease period of 19 years and 11 months. However, on 15.02.2024, he received another email. He was declared ineligible

thereafter. The communication dated 26.02.2024 impugned in the writ petition informed the writ petitioner that as on the date of his application dated 17.10.2023, he was not having valid lease of 19 years and 11 months in line with extant Dealer Selection Guidelines. The learned writ Court after considering the case of the parties, by the order impugned, directed as under:

“9. It is pertinent to note that apart from the issue of lease deed, there is no other reason mentioned for rejection of petitioner’s candidature. Having considered the submissions made by learned counsel on either side, this Court is of the considered view that since the petitioner has already entered into rectification deed by correcting the lease period from 15.09.2023 to 14.09.2043 instead of 15.09.2022 to 14.09.2042, which was subsisting as on the date of filing of application i.e., on 17.10.2023, the impugned order dated 26.02.2024 passed by respondent No.2 is hereby set aside and this writ petition is disposed of with a direction to respondent authorities to re-examine the candidature of the petitioner, if he is otherwise eligible, strictly in accordance to law. If the respondent authorities seek any further clarifications, the petitioner shall be put on notice and after giving a fair opportunity of hearing, shall pass appropriate orders. Till the final decision is taken on the petitioner’s candidature, the interim order granted by this Court on 12.03.2024 shall continue.

10. With the above observations, this Writ Petition is disposed of.”

This has aggrieved the respondent Company therein to prefer this appeal.

5. We have considered the submissions of the learned counsel for the parties.

6. Learned counsel for the appellant Company contends that as on the date of the application i.e., 17.10.2023, the lease deed did not confirm the eligibility criteria of 19 years and 11 months lease period. He relied upon the judgment of the Apex Court in **Bharat Petroleum Corporation and Others v. Swapnil Singh**¹ in support of his submission that as on the date of application, the applicant must possess a registered lease deed. It is submitted that the learned writ Court set aside the order impugned in the writ petition on the ground that having asked the writ petitioner to rectify the deficiencies, the appellant Company ought not to have declared him ineligible when the Rectification Lease Deed dated 25.01.2024 showed the lease period from 15.09.2023 to 14.09.2043 which satisfied the eligibility clause. Learned counsel for the appellant Company submits that the learned writ Court has directed that the case of the writ petitioner be considered as per the Rectification Lease Deed if is otherwise eligible strictly in accordance with law.

7. By the earlier interim order, the appellant Company is refrained from awarding the subject RO Dealership to any third party for a considerable period. It is submitted that the appellant Company is bound

¹ (2015) SCC OnLine SC 1922

by the Guidelines for Selection of Dealers and the terms of the notification. Clause-23 prescribes the lease of non-rectifiable deficiencies in applications. Merely because a communication was issued to the applicant to rectify the deficiencies, the rectification of lease deed could not have made him eligible as on the date of application. The learned writ Court, therefore, committed an error in directing consideration of the case of the writ petitioner on the basis of the Rectification Lease Deed.

8. Learned counsel for the respondent/writ petitioner has referred to the Guidelines/Brochure of Selection of Dealers for Regular and Rural Retail Outlets. He has also referred Clause-23 thereof, which contains the list of non-rectifiable deficiencies in applications. He points out that an impugned action could have been taken if the deficiency was not rectified within a period of 21 days from the date of notice. In this case, immediately after the email dated 26.01.2024, the writ petitioner was communicated that he was ineligible on the ground of not fulfilling the criteria of having valid lease of 19 years and 11 months. Therefore, the learned writ Court has directed reconsideration of the case of the writ petitioner taking into account the Rectification Lease Deed. Hence, this Court may not interfere in the order impugned.

9. Upon consideration of the rival submissions of the parties and the facts and circumstances noted above and the relevant Clauses of the Guidelines, we are of the view that reconsideration of the case of the writ petitioner should be in accordance with the terms and conditions of the notification dated 28.06.2023 inviting applications for award of Retail Outlet Dealership and also the Guidelines for Selection of Dealers for Regular and Rural Retail Outlets, issued by the appellant Company in June, 2023. Clause-23 thereof prescribes the lease of non-rectifiable deficiencies in applications, which are as under:

"23. LIST OF NON-RECTIFIABLE DEFICIENCIES IN APPLICATIONS:

The following deficiencies in the application form for Retail Outlet Dealer Selection are non-rectifiable and such applications will not be considered for further selection process.

- a) Age of applicant as on the date of application is less than 21 completed years or more than 60 years except for Freedom Fighters applying for locations reserved under Combined Category 2 (CC2).
- b) Applicant does not belong to the category for which the subject dealership is reserved.
- c) Applicant does not have the required educational qualification on the date of application except for Freedom Fighters applying for locations reserved under Combined Category 2 (CC2).
- d) Applicant is not an Indian Citizen.

Applicant is not a Resident of India as per IT Rule. (If an individual stayed in India for 182 days or more in the previous Financial Year, he is treated as resident of India as per Income Tax Rules irrespective of his citizenship. If the stay is less than 182 days, he is a non-resident)

- e) The same land offered in multiple applications for the same location, all such applications will get rejected.
- f) Group of land as declared by the applicant in the application.
- g) Applicant is member of "family unit" of IOC / BPC / HPC employees as defined under "Disqualification" clause of Brochure.

- h) Initial security deposit not submitted within stipulated time.
- i) Documents not submitted for scrutiny within stipulated time as advised by OMC.
- j) Rectifiable deficiency not corrected within the specified time (21 days).
- k) Non production of original documents for verification at the time of FVC.
- l) Change in Mobile No. & e-mail id
- m) PAN No. mismatch / Incorrect PAN No. / PAN No. does not belong to the applicant.
- n) Applicant could not produce certificates in support of eligibility criteria.
- o) Changes in Khasra / Khatouni / Gut / Survey No. etc. of offered land.
- p) Offered land is not in the advertised location/stretch and/or not meeting the Dealer selection guidelines / statutory norms, etc.
- q) Applications for CC – “A Site” (Non-Corpus fund) dealerships with bid amount lower than the applicable minimum bid amount.
- r) Affidavit **Appendix – III** is of a date later than the date of application.

No alteration / addition / deletion in the application form will be permitted except affixing of photograph and putting signature on the application form. The rectified or additional documents would be accepted only if they are pertaining to the information provided in the Application form.”

10. The relevant eligibility criteria under the said Guidelines is also extracted hereunder:

“5. ELIGIBILITY CRITERIA FOR NON-INDIVIDUAL APPLICANTS (ENTITY)

XXXX

Note:

- a. xxxx
- b. xxxx
- c. With regard to submission of documents by provisionally selected entities, time limits as given under individual applicants would apply.”

11. Therefore, we are inclined to modify the order impugned in the above terms. The appellant Company should consider the case of the respondent/writ petitioner in accordance with law as observed hereinabove within a period of three weeks from the date of receipt of a

copy of this order. Till then, the Retail Outlet be not allotted to any third party.

12. The instant Writ Appeal is, accordingly, disposed of. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

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SECTION OFFICER

To

1. One CC to SRI D.NARENDAR NAIK, Advocate [OPUC]
2. One CC to SRI SRINIVASA RAO PUTLURI, Advocate [OPUC]
3. Two CD Copies

PSK.

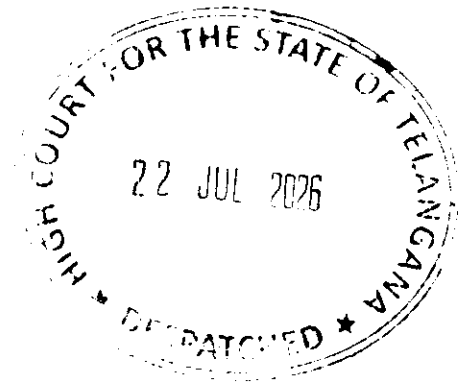
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HIGH COURT

DATED: 25/06/2026

**JUDGMENT
WA.No.163 of 2026**



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS.**

⑤ NT
13/7/26