

**CIRCUIT BENCH OF  
CALCUTTA HIGH COURT  
AT JALPAIGURI  
WRIT APPELLATE JURISDICTION  
APPELLATE SIDE  
W.P.A. 132 of 2019  
Abue Taher  
Vs.  
Indian Oil Corporation Limited & Ors**

For the Petitioner	: Mr. Dilip Kumar Samanta, Mr. Ashim Sarkar.
For the respondent no. 3.	: Mr. Shubhankar Dutta.
For the respondent nos. 1 & 2	: Mr. Bikramaditya Ghosh, Mrs. Sreemoyee Ghosh Majumdar.
Heard on	: 26.06.2019.
Judgment Delivered on	: 27.06.2019.

**HIRANMAY BHATTACHARYYA, J.**

Indian Oil Corporation Limited published an advertisement in the daily issue of 'Ananda Bazar Patrika' on November 25, 2018 for appointment of dealers in regular/ rural retail outlet (petrol pump) in several places in the State of West Bengal.

Pursuant to the said advertisement, writ petitioner submitted online application for grant of retail outlet dealership at the area Sisubari More to Birpara Chowpatty on NH 31C under open category on December 24, 2018. The divisional head of the Siliguri Divisional Office of Indian Oil Corporation by a letter dated February 1, 2019 indicated the result of the draw of lots and that the writ petitioner was declared as selected.

The petitioner's further case is that the writ petitioner submitted the documents as directed by the respondent authority by another letter dated February 1, 2019. The Head of the Divisional Office of Siliguri Division by a letter dated April 22, 2019 informed the petitioner that land documents submitted by him, are not valid for considering the offered land under Group 1. The writ petitioner has challenged the decision of the

respondent authority as communicated to him vide letter dated April 22, 2019, which has been annexed as annexure P/10 to the writ petition.

Mr. Dilip Kumar Samanta, Learned Advocate appearing on behalf of the writ petitioner submits that the decision of the respondent authority, as contained in the letter dated April 22, 2019, is in violation of the principles of natural justice as the same do not disclose any reasons for not considering the writ petitioner's candidature under Group 1 category.

In support of his submission Mr. Samanta, relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Union of India Vs. Mohan Lal Capoor and others** with **State of Uttar Pradesh and another vs. K. N. Misra and others ETC.** reported in **(1973) 2 SCC 836**. By placing reliance on the said decision he submits that reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter for a decision, whether, it is purely administrative or quasi judicial. They should reveal a rational nexus between the facts considered and the conclusions reached.

He then refers to another judgment in the case of **Kranti Associates Private Limited and another Vs.**

**Masood Ahmed Khan and others reported in (2010)**

**9 SCC 496.** By relying upon the said decision Mr. Samanta submits that a quasi-judicial authority must record reasons in support of his conclusions. Recording of reasons operate as a valid restraint in any possible arbitrary exercise of judicial and quasi-judicial or even administrative power. Reasons also facilitate the process of judicial review by superior Courts.

Mr. Bikramaditya Ghosh, Learned Advocate appearing on behalf of the respondent nos. 1 and 2 submits that the applicants have been classified into 3 Groups based on the land offered or ought to be offered by them. He submits that the applicants having suitable piece of land in the advertised location/ area either by way of ownership or long term lease for a period of minimum 19 years 11 months or as advertised by the OMC shall fall under Group 1 as will appear from the sub paragraph V of paragraph 4 of the Guidelines laid down in the Brochure being the eligibility criteria for individual applicants.

He further submits that the applicant under Group 1 should have documents to establish ownership of land offered for the dealership as on the date of application such as – Registered lease deed for a minimum period of 19 years and 11 months. He further refers to the note appearing after sub clause (IV) of

clause 1 of paragraph 4, which is the eligibility criteria and submits that if it is found that the documents submitted by the applicants do not meet the condition then his candidature can be rejected and the candidate will be given opportunity along with applicants under Group 3 by intimation through SMS/ e-mail.

He next submits that the petitioner did not have any Registered lease as on the date of submitting the online application form and as such the respondent authority was justified in observing that the land documents submitted by the writ petitioner are not valid for considering the land under Group 1.

Heard the Learned Advocates appearing on behalf of the respective parties and considered the materials on record.

The guideline for selection of dealers for regular and rural retail outlets have been indicated in the Brochure dated November 24, 2018. Paragraph 4 of the said guidelines lays down the eligibility criteria for individual applicants. Upon a reading of paragraph 4 (V) as well as clause (d) wherein the other condition with respect to offering of land has been laid down it is evident that as on the date of application the applicant under Group 1 should have documents to establish ownership of the land offered for dealership such as

Registered lease deed for a minimum period of 19 years and 11 months. It has been specifically pleaded in paragraph 7 of the writ petition that a deed of lease had been executed between the petitioner and the respondent no. 3 in respect of the land in question on January 31, 2019. From the copy of the lease deed, which has been annexed to the writ petition being annexure P/5 at page 119 of the writ petition it is evident that the lease deed was registered only on January 31, 2019. Thus, as on the date of application i.e on December 24, 2018 the writ petitioner did not have any Registered lease deed in this favour. The lease deed which was submitted, was registered only on January 31, 2019, i.e after more than a month from the date of submitting the online application. In paragraph 5 of the writ petition it has been averred that the petitioner after going through the Brochure being annexure P/2 to the writ petition, understood that the petitioner had to take lease of land beyond 19 years 11 months for satisfying the eligibility criteria regarding possession of land through a lease deed to be executed in between the owner of the land and the writ petitioner. Thus the writ petitioner was well aware of the eligibility criteria that the Registered lease deed is to be submitted. The writ petitioner having understood the guidelines mentioned in the said Brochure was also

aware that in case it is found at a later stage that the offered plot is not meeting any of the conditions then the offered land would be rejected and the candidate will be given opportunity along with applicants under Group 3 by intimation through SMS/ e-mail.

There is no dispute to the settled proposition of law that the requirement to record reasons emanates from the broad doctrine of fairness in decision-making. There is also no dispute that reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

The fact that the writ petitioner did not have any registered lease deed as on the date of submitting the online application on December 24, 2018, is evident from the documents annexed to the writ petition. The writ petitioner was well aware of the fact that he is not eligible for applying under Group 1 category. When, from the documents annexed to the writ petition, it is evident that the writ petitioner is not eligible to be considered as an applicant under Group 1 category, the impugned decision of the authority as contained in the letter dated April 22, 2019, cannot be said to be an illegal and arbitrary one. The respondent authority in the impugned decision dated April 22, 2019 has also

indicated that the candidature of the petitioner may be considered for selection along with Group 3 applicants which is in tune with the guidelines for selection of dealers. The decision of the respondent authority is supported by the documents submitted by the writ petitioner which are already on record. As such no interference is called for by this Court under Article 226 of the Constitution of India.

There is no merit in the instant writ petition and the same is accordingly, dismissed without however any order as to costs.

Urgent Photostat certified copy of this judgment, if applied for, be given to the parties on priority basis.

**(HIRANMAY BHATTACHARYYA,J.)**