

GAHC010202962025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5235/2025

SRI RAJU CHOWHAN
SON OF LATE ISHAWAR DAYAL CHOUHAN, R/O- 409, SONAI ROAD, SHIV
MANDIR, SILCHAR, SONABARIGHAT PT- I, CACHAR, SILCHAR, ASSAM,
PIN799013.

VERSUS

INDIAN OIL CORPORATION LIMITED
REGISTERED OFFICE INDIAN OIL BHAVAN, G-9, ALI YAVAR JUNG MARG, D
BLOCK BKC, NAUPADA, BANDRA (EAST), MUMBAI- 400051,
REPRESENTED BY THE CHAIRMAN.

2:THE CHIEF GENERAL MANAGER (LPG)

IOCL
INDIAN OIL BHAVAN
SECTOR- III NOONMATI
GUWAHATI 781020
ASSAM.

3:THE DIVISIONAL RETAIL SALES HEAD

IOCL
SILCHAR DIVISIONAL OFFICE
MOINARBOND DOPOT
P.S.- UDHARBOND
P.O.- GOSSAIPUR
SILCHAR
DISTRICT CACHAR
ASSAM
PIN 788303

4:THE DISTRICT COMMISSIONER
CACHAR DISTRICT
SILCHAR
ASSAM.

5:THE ADDL DISTRICT COMMISSIONER
CACHAR DISTRICT
SILCHAR
ASSAM

6:SRI SHAWMITRA NATH
SON OF LATE SANAT KUMAR NATH
RESIDENT OF VILLAGE- CHIBITA BICHIA PT- IV
P.O.- CHIBITA BICHIA
P.S.- SILCHAR
DISTRICT- CACHAR
ASSAM
PIN-78815

Advocate for the petitioner(s): Mr. D Chakrabarty

Advocate for the respondent(s): Mr. MK Choudhury, Senior Advocate

Mr. R Gohain

Mr. G Bokolial, Govt. Advocate, Assam

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

08.09.2025

Heard Mr. D Chakrabarty, the learned counsel appearing on behalf of the petitioner.

2. Issue notice making it returnable on 22.09.2025.

3. Mr. R Gohain, the learned counsel appears and accepts notice on behalf of the respondent Nos.1, 2 and 3 and Mr. G Bokolial, the learned Government Advocate, Assam appears and accepts notice on behalf of the respondent Nos.4

and 5.

4. As the respondent Nos.1 to 5 have been duly represented by their respective counsels, extra copies of the writ petition be served upon them during the course of the day.

5. As regards the respondent No.6, the petitioner is directed to take steps by way of Dasti routed through the Registry of this Court and to file an affidavit of service on or before the next date fixed.

6. This Court further directs that an additional copy of the writ petition be served upon Mr. R Gohain, the learned counsel for the respondent Nos.1, 2 and 3, who shall also take appropriate steps for serving the copy upon the respondent No.6.

7. The petitioner herein is aggrieved by the selection of the respondent No.6 in respect to the retail outlet dealership from Sonabarighat Point to Sonai Police Outpost on Silchar-Sonai, PWD Road.

8. The learned counsel appearing on behalf of the petitioner submits that the grievance of the petitioner is based upon three grounds. First, to come within the ambit of Group-1 in the draw of lots; the candidate either should have a land of his own or should have a long term lease of not less than 19 years 11 months. The learned counsel for the petitioner had drawn the attention of this Court to the lease deed dated 17.10.2023 that the lease is for a period of 20 years and the annual rent reserved was Rs.60,000/-. The learned counsel further drawing the attention of this Court to the stamp duty paid submits that the total consideration has been taken at Rs.1,20,000/- which is far too less taking into account Article 35 of the Indian Stamp Act, 1899, *insofar as* it is applicable to the State of Assam. He, therefore, submitted that the said

document could not have been taken into consideration as the said document was insufficiently stamped.

9. The second ground on which the petitioner has assailed the selection of the respondent No.6 is non-compliance of Clause 4(vii)(b) which relates to Other Backward Classes (OBC). The learned counsel for the petitioner submitted that at the time of submission of the documents on 17.10.2023, the respondent No.6 did not submit the document as per Appendix-VIIA. The document which was submitted as annexed at page 133 to the writ petition is a document of the year 2014. The learned counsel submitted that a reading of Clause 4(vii)(b) categorically mentions that the date of the document has to be subsequent to the advertisement. Under such circumstances, the respondent No.6 could not at all have been brought within the ambit of draw of lots in respect to the retail outlet in question as the retail outlet was specifically reserved for OBC category.

10. The third ground on which the petitioner has urged upon is that the candidature of respondent No.6 could not have been accepted on the ground that the respondent No.6 had indulged in committing fraud. The learned counsel submitted that pursuant to the last date for submission of the tender, the respondent No.6 initially submitted a document in Form Appendix-VIIA which was dated 21.12.2023. Subsequently, he manufactured a document dated 06.09.2023 which is also in Form Appendix-VIIA. The learned counsel submitted that an information was sought for as regards the authenticity of the document dated 06.09.2023 and it was informed by the Additional District Commissioner, Cachar that no such document dated 06.09.2023 in Appendix-VIIA was issued in favour of the respondent No.6. The learned counsel, therefore, submitted that this is a fit case wherein the allotment of the retailed outlet in favour of the respondent No.6 is required to be interfered with as well as the letter of intent

which was issued.

11. *Per contra*, Mr. MK Choudhury, the learned Senior Counsel appearing on behalf of the respondent Nos.1, 2 and 3 submitted that a reading of Clause 4(vii)(b) would show that the document which is in Appendix-VIIA as well as Appendix-VIIB are required to be submitted when the candidate is advised by the OIL Company to submit the same. He, therefore, submitted that there was no necessity that it is required to be submitted at the time of submission of the bid. The learned Senior Counsel further submitted that a due enquiry is going on in respect to the document which has been submitted in Appendix-VIIA dated 06.09.2023. The learned Senior Counsel submits that he would obtain necessary instruction(s) in that regard and bring on record the stand of the IOCL by way of filing an affidavit.

12. This Court further directs the respondent Nos.4 and 5 to also apprise this Court by way of instruction(s) as regards the authenticity of Annexure VIIA dated 21.12.2023 as well as dated 06.09.2023 which have been enclosed to the writ petition on the next date fixed without fail.

13. This Court having heard the learned counsels appearing on behalf of the parties is of the opinion that the petitioner has been able to make out a case for passing interim direction(s).

14. Accordingly, this Court, therefore, passes the following interim direction till the next date fixed:

(i). The letter of intent issued in favour of the respondent No.6 dated 07.06.2024 by the respondent No.3 shall remain stayed.

15. List again on 22.09.2025.

JUDGE

Comparing Assistant