

GAHC010202962025



2026:GAU-AS:2380

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 : MR. D CHAKRABARTY, MS D.CHAKRABARTY

Advocate for the Respondent : GA, ASSAM, MISS R A CHOUDHURY(R-6),MR E AHMED(R-6),MR. K N CHOUDHURY (R-6),MR R I BHUYAN(R-6),MS. L WAJEEDA(R-6),MR. M H SAIKIA (R-6),MR. N H MAZARBHUIYAN(R-6),SC, I O C

BEFORE

THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY

For the Petitioner : Mr. D. Chakrabarty, Advocate.

For the Respondents : Mr. K. N. Choudhury, Senior, Advocate
assisted by Mr. E. Ahmed, Advocate for
the respondent Mo.6
Mr. M. Sharma, Standing Counsel, IOCL
for respondent Nos. 1, 2 and 3.
Mr. K. Gogoi, for respondent Nos. 4 and 5.

Date of Hearing : 16.02.2026

Date of Judgment & Order : 18.02.2026

JUDGMENT & ORDER(CAV)

1. Heard Mr. D. Chakrabarty, learned counsel for the petitioner. Also heard Mr. K. N. Choudhury, learned Senior Counsel assisted by Mr. E. Ahmed, learned counsel for the respondent No. 6, Mr. M. Sharma, learned Standing Counsel for the Indian Oil Corporation representing the respondent Nos. 1, 2 and 3 and Mr. K. Gogoi, learned counsel for the respondent Nos. 4 and 5.
2. By the present writ petition, the petitioner has assailed the Letter of Intent bearing Ref. No. R 2024/IN000129/AS/000002/7503/00001 dated 07.06.2024, issued by respondent No. 3 in favour of respondent No. 6 for appointment of Retail Outlet Dealership for the location from Sonabarighat Point to Sonai Police Outpost on Silchar-Sonai PWD Road.
3. The challenge arises from a selection process initiated by the IOCL, pursuant to an advertisement dated 28.06.2023, inviting applications for the appointment of Regular/Rural Outlet (Petrol Pump Dealership) across notified locations.
4. The subject matter of the present writ petition is the location from

Sonabarighat Point to Sonai Police Outpost on Silchar-Sonai PWD Road.

5. The petitioner assails the process on three grounds.
6. Firstly, it is argued by Mr. D. Chakraborty, learned counsel for the petitioner that though respondent No. 6 produced a lease deed for 20 years as required for candidate under Group-1, the Stamp duty paid thereon is deficient to what is statutorily required under provisions of Indian Stamp Act, 1899 as applicable to the State of Assam, thereby rendering the lease legally infirm, disentitling the respondent No. 6 from being treated as a valid Group-1 applicant. However, it is argued that, for reasons other than bona fide, the respondent IOCL has accepted the lease deed in total violation of the prescription set out in the selection brochure.
7. It is contended by Mr. Chakraborty, learned counsel for the petitioner, that there was non-compliance of Clause 4 (vii) (b) and 4(vii)(1) of the brochure governing OBC (Non Creamy Layer) certification. According to the learned counsel for the petitioner, the OBC certificate initially produced by the respondent No. 6 was dated 28.01.2014, which predates the advertisement and thus failed to satisfy the stipulation that the relevant certificate must be issued subsequent to the advertisement. Thus, disentitling the respondent No. 6 from any LOI.

8. It is further contended that the respondent No. 6 committed fraud by submitting two certifications in the format prescribed under Appendix-VII(B)(1), one dated 21.12.2023 and another dated 06.09.2023. According to the petitioner, based on information obtained under the Right to Information Act, the issuing authority of the certificate dated 06.09.2023 denied the issuance of any such certificate. Accordingly, it is contended that the entire process stands vitiated by fraud, which strikes at the root of the administrative action, warranting judicial interference.
9. Per contra, Mr. K. N. Choudhury, learned Senior Counsel appearing for the respondent No. 6, raises an objection as to the locus standi of the petitioner. Relying on Clause 18.I.(f), it is urged that the selection scheme creates a clear hierarchy: Group-2 candidates acquire the right of consideration only after the exhaustion or disqualification of Group-1 applicants. The petitioner, having applied under Group-2 and lost at the threshold, cannot challenge the selection of the successful Group-1 candidate. Even if the candidature of the respondent No. 6 is invalidated, the next eligible candidate within Group-1 would be entitled to consideration, not the petitioner. The petitioner, therefore, suffers no enforceable injury to invoke this Court's writ jurisdiction, argues Mr Choudhury, learned Senior Counsel.

10. On the issue of deficient Stamp duty, learned senior counsel contends that the lease deed in favour of the respondent No. 6 is a registered instrument and any question as to the deficient stamp duty or its legal consequence lies within the statutory framework of revenue authorities or a competent civil court and not under the power of judicial review.
11. As regards compliance with OBC certification, it is submitted that the relevant Appendix VII(A) certificate relied on by the Corporation is dated 21.12.2023, which is subsequent to the last date of submission of the application, i.e., 17.10.2023, and satisfies the prescription of the brochure. Since the certificate dated 06.09.2023 is not the basis of consideration, the administrative action cannot be interfered with on the basis of such alleged fraud.
12. This Court has given anxious consideration to the arguments advanced by the Learned Council for the parties, and also perused the record produced by Mr. M. Sharma, Learned counsel for the Respondent Corporation.
13. The advertisement and brochure structured eligibility into three distinct groups, based on the nature of land availability.
14. Group 1 comprises applicants who possess a suitable parcel of land in

the advertised location, either by ownership or by long-term lease for a minimum period of 19 years and 11 months; Group 2 comprises applicants with a firm offer to purchase or to long-term lease of similar duration; Group 3 addresses residual contingencies.

15. Clause 18.1.f of the brochure mandates that the draw of lots would be first conducted among eligible applicants of Group 1 and only in the absence of eligible Group 1 candidates or upon their collective disqualification or withdrawal of issued LOIs, would the candidature of Group 2 applicants be considered.
16. Respondent No. 6 applied under Group 1, asserting a 20-year leasehold interest, whereas the petitioner applied under Group 2. The draw of lots was conducted among eligible Group 1 applicants, and the Respondent No. 6 was declared the winner.
17. The petitioner, having participated under Group 2, did not enter the zone of consideration, and a letter of intent was directly issued in favour of Respondent No. 6.
18. The aforesaid facts are undisputed.
19. In the aforesaid factual backdrop, let this Court first deal with the question of locus standi. It is well settled that the doctrine of locus standi, in

a competitive selection process, is not a mere technical rule but a jurisdictional threshold.

20. A participant who stands outside the zone of consideration cannot predicate a challenge upon a speculative or remote possibility of advantage.
21. The architecture of Clause 18.1.f clearly subordinates Group 2 to Group 1. Unless the entire cohort of Group 1 candidates is eliminated, a Group 2 applicant cannot claim a contingent right to consideration.
22. Admittedly, the petitioner participated in the process under Group 2, keeping his eyes open and without any challenge to the classification of Group 1 and Group 2, with an advantage to Group 1 over Group 2.
23. In the given facts of the present case, even if the petitioner is not held to be ineligible, until and unless the other candidates who are already in Group 1 are exhausted, the petitioner's case cannot be considered. Therefore, this court finds force in the argument of Mr. Choudhury, learned Senior Counsel, in this regard.
24. As regards the issue of an alleged deficient stamp duty in the registered lease deed submitted by the petitioner, it raises a question embedded in the statutory mechanism under the Stamp Law. The writ court does not

operate as a substitute for Civil or Revenue adjudication where disputed questions of fact and statutory remedies exist. Therefore, so long as the fact that the instruments in question stand registered is not disputed and so long as the same has not been invalidated by a competent forum, the respondent IOCL cannot be faulted for acting upon it in the administrative assessment of eligibility. Therefore, the arguments advanced by Mr Chakrabarty, learned counsel for the petitioner, on this count stand negated.

25. Now, coming to the argument of fraud, it is true that fraud vitiates all solemn acts; yet the allegation of fraud must be established with cogent material and must bear a proximate nexus to the decision.
26. In the case at hand, the record reveals that the administrative authority has demonstrably relied on the undisputed valid certificate dated 21-12-2023, fulfilling the requirement of the brochures regarding the candidate's OBC status. Therefore, the existence of another allegedly forged document that did not form the basis of the decision cannot ipso facto vitiate the outcome.
27. A writ court does not embark upon a roving enquiry into disputed factual allegations, particularly when the decision-making process, on the face of the record, reflects adherence to prescribed norms.

28. It is reiterated that in matters of allotment of retail outlet dealerships by public sector oil marketing companies, the court's scrutiny is confined to examining whether the process is arbitrary, malafide or in patent violation of the governing guidelines. It is equally well settled that judicial review concerns the decision-making process, not the decision itself.
29. This court, after perusal of the material and for the reasons recorded hereinabove, can not term the exercise of power to be arbitrary, malafide or in patent violation of the governing guidelines
30. In conclusion, the selection of the Respondent No. 6 under Group 1 has been made in accordance with the express stipulation that Group 2 would be considered only upon non-availability or disqualification of Group 1 applicants and when the documents relied upon by the corporation satisfy the textual requirement of the Brouchure, in the opinion of this Court, invocation of Article 226 cannot change the character of a contingent aspiration into an enforceable right.
31. Though the writ jurisdiction is expansive, it does not extend to challenging a final selection on the basis of an anticipated injury or to collateral disputes over an instrument not invalidated in accordance with the law.

32. Based on this anvil, the issuance of the letter of intent does not disclose any infirmity warranting interference with the impugned LOI in the exercise of the power of judicial review by this Court.
33. Accordingly, being devoid of any merit, the writ petition stands dismissed. The earlier interim order stands vacated. The parties should bear their own costs.
34. Record produced by Mr. Sharma, learned Standing Counsel for the IOCL is returned back.

JUDGE

Comparing Assistant