

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**Civil Appeal Nos. 10872-10873/2025  
(@ SLP (Civil) Nos. 8898-8899 of 2020)**

**SUMON GHOSH**

**Appellant**

**VERSUS**

**INDIAN OIL CORPORATION LIMITED & ORS.**

**Respondent(s)**

**CONNECTED WITH**

**Civil Appeal Nos. 10874-10875/2025  
(@ SLP (Civil) Nos. 11923-11924/2021)**

**INDIAN OIL CORPORATION LIMITED & ORS.**

**Appellant(s)**

**VERSUS**

**SUMAN GHOSH AND ANOTHER**

**Respondent(s)**

**O R D E R**

**1. Leave granted.**

**2. These appeals impugn a common judgment and order dated 13.01.2020 passed by the High Court at Calcutta<sup>1</sup> in FMA 146 of 2020 (MAT No. 1/2020) connected with CAN 49 of 2020 therefore, they were heard together and are being decided by a common judgment and order.**

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<sup>11</sup> High Court

3. For convenience, the parties are being described as per their description in the lead civil appeal.

4. The appellant Suman Ghosh, pursuant to a public advertisement, applied for dealership of Indian Oil Corporation (for short Oil Company) in Group I category. The Oil Company placed him in Group III category. Assailing the same, he filed a writ petition before the High Court. In short, the issue that arose for consideration by the High Court was whether the appellant is to be considered in Group-1 category. If not, in which category.

5. Admittedly, as per brochure guidelines candidates/ applicants for dealership could be placed in three categories. Group-1 category (i.e., top priority candidates), inter alia, comprised of such candidates who offered land for dealership which was either self-owned or owned by family members. Group-II category (i.e., second priority candidates) comprised of such candidates where land offered was owned by a third party in part or full, but the candidate had a consent letter in the form of affidavit/ Power of Attorney from other owners. Group III category (lowest priority category) comprised of those who did not fall in the first two categories i.e., those who did not offer suitable land for dealership.

6. Appellant applied in Group-1 category by offering land wherein his father had a share along with his brothers (i.e., uncles of the

appellant).

7. As per the brochure guidelines, if share of the applicant and /or family members is more than or equal to land required by the Oil Company, consent letter on stamp paper or an affidavit/Power of Attorney from all co-owners is required to be provided in the prescribed form. 'Family members' are defined as:

- “(i) Self
- (ii) Spouse
- (iii) Father/Mother including Step-Father/Step-Mother
- (iv) Brother/Sister/Step-Brother/Step-Sister
- (v) Son/Daughter/Step-Son/Step-Daughter
- (vi) Son-in-law/Daughter-in-law
- (vii) Grand-parents (both maternal and paternal)”

8. Notably, in the definition of family members, father's brother (i.e., uncle) is not included. Since uncle was not included in the definition of 'family members', the offer of land extended by the appellant by including the land of his uncle was not acceptable to the Oil Company for placing the appellant in Group-1 category. Rather, they placed him in Group III category.

9. Aggrieved by the decision of the Oil Company, the appellant filed a Writ Petition before the High Court. The learned Single Judge of the High Court allowed the Writ Petition against which Oil Company filed an *intra court* appeal before the Division Bench of the High Court.

10. The Division Bench, by the impugned order, partly allowed the appeal of the Oil Company and held that though Suman Ghosh (i.e., the appellant herein) cannot be considered in Group-1 category but he can be considered in Group-2 category because the land offered by him had the consent of the other co-owners.

11. Aggrieved by the impugned order, both Suman Ghosh and Oil Company have filed appeals. Oil company's appeal challenges the order of the Division Bench to the extent it directs consideration of the appellant - Sumon Ghosh in Group-2 category whereas Sumon Ghosh has challenged the order of the Division Bench to the extent the direction of the learned Single Judge for considering his candidature in Group-1 category has been set aside.

12. We have heard learned counsel for the parties at length and have perused the record carefully.

13. The thrust of the submissions of learned counsel for the appellant-Sumon Ghosh is that the brochure enabled a candidate to submit proper documents even after selection, if the offered land is co-owned by multiple persons and the selected candidate had not earlier provided consent of all the co-owners. The clause on which reliance is placed to make the aforesaid submission is extracted below:

“(iv) In case after selection, if it is observed that the offered land is owned by

multiple persons and the selected candidate did not provide consent of all the co-owners, the selected candidate would be given 21 days' time to get consent of all the co-owners for the offered land failing which the selection of the candidate will get rejected and the candidate will get opportunity along with group-3 applicants."

14. It is the case of the appellant that, admittedly, the land offered for setting up dealership was owned by applicant's father along with his two brothers. In the application, it was mentioned that the said land was co-owned by his uncles along with his father therefore, when the said land was not found suitable, or in order, to enable the applicant to fall in group-1 category, an opportunity ought to have been given to furnish the consent of other co-owners. If such opportunity had been given, appellant would have cured the defect.

15. In addition to above, learned counsel for the appellant submitted that, admittedly, pursuant to direction given by the learned Single Judge of the High Court, the appellant has since purchased the share of the other co-owners and, therefore, he now falls in Group-1 category and, in such circumstances, there was no justification to set aside the order of the learned Single Judge.

16. *Per contra*, on behalf of the Oil Company, it has been

submitted that it is clearly specified in the brochure that to fall in Group-1 category, the applicant must either own the land offered or, if the share of the applicant and of the family members is more than or equal to land required by the company, a consent letter on stamp paper or an affidavit or Power of Attorney from all co-owners must be obtained. It is submitted that the documents on record would make it clear that the appellant's father did not own land more than or equal to land required by the Oil Company and the other co-owners were not part of the family as per the definition of family members provided in the brochure, therefore appellant in no circumstances could be considered in Group 1 category. Insofar as appellant's claim in Group-2 category is concerned, it is the case of the respondent that once a candidate applies in Group-1 category, he cannot be considered in Group-2 category and if it is found that the candidate is not eligible for consideration under Group-1 category, his consideration can only be under Group-3 category. In support of the above submission, a 'note' in the brochure was relied upon, which is extracted below:

"In case it is found at a later stage that the offered plot is not meeting any of the above condition then in such case, offered land would be rejected and candidate will be given opportunity along with applicants under Group-3 by intimation through SMS/Email."

17. In response to the above submission, the learned counsel for the appellant submitted that the 'note' extracted above is at the foot of the table provided in the brochure, which reads:

S. No.	Situation of ownership	Share of applicant in land	Additional documents required	Evaluation as
<b>Group 1</b>				
1	Self	Full	Nil	Owner
2	Self with members of family or owned exclusively by family members	Part/NIL	Consent letter in the form of affidavit from members of family- Appendix IIIA	Owner
3	<ul style="list-style-type: none"> <li>• Self with other owners</li> <li>• Family members with other owners</li> <li>• Self with family members &amp; Other owners</li> </ul>	Part  NIL  Part	If the share of the applicant and/or family members is more than or equal to land required by the company. Consent letter on stamp paper or an affidavit or Power of Attorney from all co-owners should be provided- Appendix IIIA	Owner
4	Land owned by Government /Semi Government bodies	Full	Allotment letter from the Government/ Semi Government bodies in the name of Self with specific mention for use of petrol pump.	Owner
<b>Group 2</b>				
5	Land owned by third party in part or full	Part/NIL	Consent letter in the form of affidavit / Power of Attorney from other owners- Appendix IIIA	Firm offer

18. In that context, it is submitted on behalf of appellant that if the candidature of the appellant was not to be considered in Group-1 category, it was obligatory upon the Oil Company to consider whether the information provided by the applicant makes him eligible for consideration in Group-2 category because the 'note' extracted above would apply only in a case where the applicant cannot be considered in any of the categories specified in the table above. It has been submitted that a holistic reading of the aforesaid table would indicate that the case of the appellant, if it had to be rejected under Group-1 category, had to be considered in Group-2 category because there were consent letters from the other co-owners of the land.

19. We have considered the rival submissions. In our view, the brochure is clear as to who would fall in Group-1 and Group-2 categories, and it is also clear that eligibility would be reckoned by a specified date, therefore the submission that appellant later acquired the share of other co-owners would be of no help to the appellant. What is important is that the application submitted by the appellant - Sumon Ghosh was in Group-1 category by relying on ownership situation as mentioned at serial No. 3 of the Table extracted in paragraph 17 above. As per which, if the share of the applicant and/ or family member is more than, or equal to, land required by the company, consent letter on stamp paper or on an affidavit or Power of Attorney from all co-owners, even of those co-owners who were not 'family members', was required. No doubt,

such consent could even be obtained later, as per clause (iv) extracted in paragraph 13 above, but that would not help the appellant to qualify as Group 1 category candidate because his offer of land included the share of uncles who did not fall within the definition of 'family members' provided in the brochure. Therefore, in our view, Division Bench of the High Court was correct in holding that the appellant-Suman Ghosh would not qualify as Group 1 category candidate. However, if the case of the appellant did not fall in Group-1 category, in our view, Oil Company was required to consider whether the information provided in the application was sufficient for him to qualify as a Group-2 category candidate because it is only when a candidate does not fall either in Group I or Group II category, he would have to be considered in Group III category. The 'note' relied by the Oil Company, as extracted in paragraph 16 above, would apply only when the candidate does not fall in either Group 1 or Group II category. This is clear from the phraseology of the said 'note' which opens with words *"In case it is found at a later stage that the offered plot is not meeting any of the above condition."* The use of expression *'above condition'* in the 'note' is of significance because the 'note' is placed below the chart where Group 1 and Group II categories are described. Therefore, in our view, the Division Bench of the High Court is correct in taking the view that since there were consent letters from the other co-owners of the land, the appellant would fall in Group-2 category described in the chart extracted in paragraph 17 above.

20. For the reasons aforesaid, we do not find any merit in these appeals. The same are, accordingly, dismissed.

21. Pending application(s), if any, shall stand disposed of.

.....J  
[MANOJ MISRA]

.....J  
[UJJAL BHUYAN]

New Delhi  
August 19, 2025

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos. 10872-10873/2025  
(@ SLP (Civil) Nos. 8898-8899 of 2020)

SUMON GHOSH

Appellant(s)

VERSUS

INDIAN OIL CORPORATION LIMITED &amp; ORS.

Respondent(s)

IA No. 45252/2021 - DELETING THE NAME OF PETITIONER/RESPONDENT

WITH

Civil Appeal Nos. 10874-10875/2025  
(@ SLP (Civil) Nos. 11923-11924/2021)

FOR

FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 131796/2021  
IA No. 131796/2021 - ADDITION / DELETION / MODIFICATION PARTIES

Date : 19-08-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) : Mr. Kawaljit Singh Bhatia, AOR  
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Mr. Sudhakar Kulwant, Adv.  
Mr. Yashraj Bundela, Adv.  
Mr. Suyash Pandey, Adv.  
Mr. Raman Yadav, Adv.  
Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted
2. The civil appeals are dismissed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(CHETAN ARORA)

(SAPNA BANSAL)

