IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

WPA No. 14425 of 2024

With

CAN 1/2024

PRASUN KANTI MONDAL

Versus

INDIAN OIL CORPORATION Limited & ORS.

For the Petitioner	:	Mr. Nilanjan Pal, Adv. Ms. Shreejita Sen, Adv.
For the Respondent Nos. 1 & 2	:	Mr. Manwendra Singh Yadav, Adv. Ms. Saswati Chatterjee, Adv.
For the UOI	:	Ms. Debjani Ghosal, Adv. Ms. Sanchayita Das, Adv.
Heard on	:	16.09.2026
Delivered on	:	16.11.2026
Uploaded on	:	16.11.2026

Ajay Kumar Gupta, J.: -

1. The Petitioner filed the instant writ petition seeking quashing of the letter dated February 19, 2024 issued by the Indian Oil Corporation Limited, upon the Petitioner, wherein his Distributorship has been categorized as Gramin Vitarak, without any bona fide justification. He further prays for a direction upon the respondent nos. 1 and 2 to allow the petitioner to carry out the business of LPG distributorship at the location of Barrackpore Kalyani Expressway under the category of Rurban Vitarak, and pass a reasoned order considering the Unified Guidelines 2022 for selection of LPG Distributorship with a justification as to why the Respondents are of the opinion that the Petitioner does not come under the Rurban Vitarak.

2. The brief facts essential for the purpose of disposal of this case are that in the year 2007, the petitioner applied before the Indian Oil Corporation for allotment of LPG Distributorship at Barrackpore/Kalyani Highway under SC Category on the basis of advertisement. Subsequently, on January 28, 2013, the Chief Area Manager of Indian Oil Corporation (MD) issued a letter of Intent in favour of the Petitioner for the same. However, on March 08, 2013, the Respondent no. 1 issued a revised Letter of Intent in favour of the Petitioner.

3. In the meantime, two separate Writ Petitions, being W.P. No. 24144(W) of 2010 and W.P. No. 20764(W) of 2012 were filed before the Hon'ble High Court at Calcutta one by the Petitioner and another by Kanchan Kumar Sarkar, respectively, for consideration of their distributorship by the Respondent No. 02 herein. A Co-ordinate Bench of this Court passed a common Order in respect of both the Writ Petitions on 28.06.2019, directing the Respondent No. 2 to reconsider the cases of both the Petitioners therein and pass a Reasoned Order as regards their empanelment eligibility.

4. Pursuant to the aforesaid order of the coordinate Bench, the Respondent No. 2 passed a reasoned order on November 11, 2019, wherein the candidature of Kanchan Kumar Sarkar, who was at the top of the Distributorship merit list, was cancelled on the ground of submission of a false sales experience certificate, and the present petitioner was awarded the same instead.

5. Respondent No. 2 issued a letter dated January 1, 2020 advising the petitioner to make further progress in view of the Reasoned Order dated November 11, 2019. By a meeting held in April, 2022, the petitioner was made to believe that, if he furnishes an affidavit in favour of respondent No.1, his distributorship technicalities and formalities will be completed to his satisfaction. Accordingly, on April

22, 2022, he furnished an affidavit in standard format in favour of the respondent No.1. However, upon doing so it, the Petitioner discovered that Clause 7 of the said affidavit, constitutes a consent clause as regards the nature of distributorship.

6. Therefore, in the general meeting held on 06.09.2022 between the petitioner, Divisional Sales Head and Senior Manager (LPG-S), the petitioner insisted that he had applied for Rural Category of LPG Distributorship for the location of Barrackpore-Kalyani Highway which more fully fell under the "Rurban Vitarak" category, but he was categorized as Gramin Vitarak as per clause 6.2.1 of the "Unified Guidelines 2022 for selection of LPG Distributorship". The location of the instant distributorship of the petitioner, situated at Barrackpore-Kalyani Expressway, is described hereinbelow:

On the North	:	8 kms is Barasat Municipality;
On the South	:	South Dum Dum Municipality is 6.5 kms and Madhyamgram Municipality is 7 kms;
On the East	:	Barrackpore Municipality starts at a distance of 500 feet.
On the North-East	:	Barrackpore Railway Station is at a distance of 3 kms and Kolkata Municipal Corporation.

7. He opined that as per the specifications of the Petitioner's location of Distributorship, it cannot fall under the Grameen Vitarak Category.

8. Being grossly unsatisfied with the transfer of Distributorship categorisation from Rurban Vitarak to Gramin Vitarak category, the Petitioner made an RTI Application on 01.12.2023, to which reply was issued on 19.12.2023 by the authority bearing reference No. IOC/2100000255. Being dissatisfied with such reply, the Petitioner preferred first appeal before the First Appellate Authority on 08.01.2024.

9. The First Appellate Authority passed an order on 06.02.2024 directing the authority to supply the relevant extract of "Unified Guidelines 2022 for selection of LPG Distributorship" correlating to the query of the petitioner, and on 19.02.2024, the petitioner was served with a letter from the respondent No.02 which complied with the aforementioned Order.

10. Subsequently, the Respondent no. 1 issued a letter dated 19.02.2024 to the Petitioner indicating that the complete internal manual sought under the RTI is restricted for internal use and therefore cannot be disclosed in full. Pursuant to the order of the First Appellate Authority, only the relevant extract of the guidelines concerning the applicant's specific query was supplied.

11. Being highly aggrieved by and dissatisfied with the notice dated 19th February, 2024 issued by the Respondent Oil Corporation and the arbitrary actions and culpable omissions towards adherence to the law on the part of the Respondent authorities, the Petitioner filed this petition seeking relief(s) as aforesaid.

12. Mr. Nilanjan Pal, learned counsel appearing on behalf of the petitioner, submitted that the actions and inactions on the part of the respondents are highly illegal and discriminatory, especially in issuing the notice dated 19.02.2024 for not providing the petitioner with the entire “Unified Guidelines 2022 for selection of LPG Distributorship”. In the aforesaid letter, the Respondent had annexed clause 6.2.1 of the "Unified Guidelines, 2022 for selection of LPG Distributorship", which does not disclose anything about the classification of areas for different categories.

13. Learned Counsel went on to state that even though the Petitioner had applied for the LPG Distributorship in the Rurban Vitarak Category, he was categorized under the Gramin Vitarak Category in accordance with the "Unified Guidelines 2022 for selection of LPG Distributorship" without disclosing the relevant portion to the petitioner showing the classification of Locations to the petitioner.

14. It is further submitted that the "Unified Guidelines 2022 for selection of LPG Distributorship" would not apply to the petitioner as the notification under which the petitioner was issued LOI is based on Unified Guidelines prior to 2007. Apart from that the area, where the petitioner applied for Distributorship comes within the area of Rurban Vitarak since the population is higher than Gramin as well as falls between Sheheri and Gramin Vitarak category, as per the Unified Guidelines.

15. Moreover, the actual power, authorisation and scope of declaring a particular area to be a rural or urban area lies with the appropriate authority, being the respondent No. 3. Therefore, the respondent No. 1 cannot usurp the jurisdiction vested in an appropriate statutory authority, being the respondent No. 3 and declare a densely populated area to be a rural area and prejudice the petitioner.

16. Learned counsel lastly submitted that respondent no. 3 tried to impose conditions for distributorship for Gramin Vitarak, although the petitioner is entitled to be a Rurban Vitarak as per the guidelines; the Rural Urban means LPG Distributor located in an "Urban Area' and also providing service to the LPG Customers in specified 'Rural Area' generally covering all villagers falling within 15 km from the municipal limits of the LPG Distributorship location and/or the area

specified by the respective OMCs LPG Distributors servicing this area will be called Rurban Vitrak. Therefore, he prays for direction upon the respondent nos. 1 and 2 to allow the petitioner to run his LPG Distributorship at the location of Barrackpore Kalyani Expressway under the category of Rurban Vitrak, as it falls under the Rurban Vitrak category. However, the Respondents are illegally, arbitrarily and with mala fide intent trying to justify why the petitioner does not come under the Rurban Vitrak Category.

17. Learned counsel appearing on behalf of the respondent nos. 1 and 2, on the other hand, submitted that the affidavit-in-opposition on their behalf has been submitted pursuant to the order passed by this court, wherein the actual case of the petitioner is stated in detail. The Petitioner had applied for LPG Distributorship for a rural area, i.e., at Barrackpore/Kalyani Highway More in the District of 24 Parganas (North) under "SC" Category, Type of Market-R (i.e. Rural), which comes within the Rural category. The advertisement notification clearly indicates the area-wise categories, and the petitioner applied for Rural category. However, due to several pending litigations between the two empanelled candidates, there was a delay in issuance of LOI. Finally, in accordance with the LOI issued on 8th

March, 2013, the Respondent No. 1 asked the Petitioner to fulfil the requirements indicated in the LOI for subsequent implementation.

18. Thereafter, a meeting was held, and the petitioner himself filed an affidavit admitting the area for distribution of the LPG, but suddenly, the Petitioner changed his stand, claiming distributorship under the Rurban category instead of Rural, although from the beginning, he applied for Rural area. As per the Unified Guidelines of 2016, all earlier Guidelines were scrapped, and now the company follows the Unified Guidelines of 2022 all over India, which has clearly specified the three categories, and that LOI should be issued for three categories as per the new unified Guidelines, namely, Sheheri Vitrak equal to Urban; Rurban Vitrak equal to Urban Rural; and thirdly, Gramin Vitrak equal to Rural. The Petitioner was in the Third category from the beginning, i.e., Rural means Gramin Vitrak. Therefore, he cannot change his stand. The delay was caused due to pending litigation before the Hon'ble High Court between two applicants, and ultimately the litigation was set aside, and LOI was issued in favour of the petitioner as per the Unified Guidelines, but the same was in consonance with the initial advertisement and application applied for the area by the petitioner.

19. It was further submitted that the petitioner had applied for Rural area, i.e., at Barrackpore/Kalyani Highway More in the District of 24-Parganas (North) under "SC" Category, Type of Market-R (i.e. Rural). The advertisement was published on 16th September, 2007, specifying the various locations in the state of West Bengal along with the category of the locations. The Petitioner had applied for a specific area that falls under Rural, so he cannot change his stand and ask for Rurban Vitrak. The respondents' stand is the same and similar from the beginning till date. The Petitioner's allotment was/is Rural, i.e., now Gramin Vitrak as per the Unified Guidelines, 2022, applicable all over India. The advertisement was published on 16th September, 2007, specifying the various locations in the state of West Bengal, indicating the category of the locations. Therefore, he is entitled only to Gramin Vitrak even as per the new nomenclature. Even after issuance of LOI, the petitioner has failed to satisfy the other criteria as required for setting up an LPG Distributorship. The writ petition is liable to be dismissed as he is not at all entitled to Rurban Vitrak. Learned Advocate finally supported the contention of the Respondent No.1 and 2 as valid and sustainable.

20. Having heard the learned counsels for the respective parties and upon perusal of the materials on record, the question that comes for

consideration before this Court is whether the petitioner, who applied against the advertisement dated 16.09.2007 for a Rural-market location, can now claim categorisation as Rurban Vitrak, and whether the impugned letter dated 19.02.2024 can, if at all, be quashed/ set aside.

21. The impugned letter dated 19.02.2024 was issued by Respondent No. 1 in compliance with the order of the First Appellate Authority dated 06.02.2024 in the RTI proceedings, whereby the extract of the Guidelines relevant to the petitioner's query was supplied, and it was further stated that the complete internal manual is restricted for internal use. It does not categorise the distributorship, nor does it alter any right of the petitioner. The petitioner complains that it does not answer his query on categorisation. That is a complaint about the adequacy of the information supplied, not about a decision affecting his distributorship. Further, the petitioner's case proceeds on the premise that he was "transferred" from Rurban Vitrak to Gramin Vitrak. No document on record shows that he was ever categorised as Rurban Vitrak. The advertisement, the application and the Letters of Intent dated 28.01.2013 and 08.03.2013 are all tied to the market type for which he applied, which is Rural. The respondents state that he applied under the "SC" category, Type of Market-R (Rural). The

petitioner himself records that he "applied for Rural Category". The category in which he applied and was empanelled was Rural.

22. The petitioner has also contended that the power to declare an area rural or urban lies with Respondent No. 3, the Registrar General and Census Commissioner of India, and that Respondent No. 1 has usurped it. The contention is not accepted. The classification in issue is the market type under the Corporation's own distributorship scheme, fixed in the advertisement to which the petitioner responded. It is not a declaration of the status of an area for census or any statutory purpose.

23. As to non-disclosure of the full manual, the First Appellate Authority directed the supply of the relevant extract, and that was done. The petitioner says Clause 6.2.1 does not disclose the classification of areas. That is a grievance about the sufficiency of the RTI response, for which the Act provides its own remedy. It cannot be a ground for a writ to quash an alleged categorisation, which was never made by this letter, and which rests on the petitioner's own application. No prejudice is shown, since his category was fixed by the advertisement and his application, not by any undisclosed part of the manual. The prayer to quash the letter dated 19.02.2024 is, therefore, misconceived.

24. Apart from that, whether the Unified Guidelines of 2022 would not apply to the Petitioner, it would not alter the category the Petitioner applied for and was empanelled in from Rural to Gramin Vitarak. The Respondent no. 1 has given ample opportunity to the Petitioner to fulfil the criteria mentioned in the guidelines, as regards the land for showroom and godown, and the latter has, on several occasions, failed to do the same.

25. Even this Court has carefully gone into the Unified Guideline of 2016 or 2022; both have clarified that the petitioner is entitled to Gramin Vitrak as he had applied for under "SC" category, Type of Market-R (Rural). The petitioner himself records that he "applied for Rural Category". The category in which he applied and was empanelled was Rural and is still denoted as “Gramin Vitrak”.

26. Whether the petitioner has complied with other requirements of setting up LPG distributorship as per the terms and conditions or is not the subject matter of this writ petition. Therefore, it is full discretionary, power of the Respondents authorities, how and when they will deal with. This will, indeed, not call for interference in this writ petition

27. Finally, the petitioner himself affirmed an affidavit and submitted to the concerned authorities, clearly mentioning therein that he has

consented/requested the corporation to issue a fresh letter of intent (LOI) in line with the existing Unified Selection Guidelines in Vogue (i.e. BROCHURE FOR UNIFIED GUIDELINES FOR SELECTION OF LPG DISTRIBUTORSHIPS- Sheheri Vitrak, Rurban Vitrak, Gramin Vitrak and Durgam Kshetriya Vitrak dated 15 January, 2021), which was completely agreeable to him.

28. Minutes of meeting held with petitioner, LOI holder for the Location-Barrackpore-Kalyani Highway More, District-North 24 Parganas specifically specified in paragraph No. 13 is quoted herein below:

> *"13. LOI holder was informed that as per clause 6.2 of the existing Unified Guidelines 2022 for Selection of LPG Distributorship which is in vogue and under which his request has been accepted, it is stated that "For the Regular LPG Distributorship locations under the Marketing Plans prior to year 2016, wherein selection is in progress or LPG Distributorships is yet to be commissioned, following clause shall be applicable:*
>
> *6.2.1 The Regular Distributorship locations which are under selection presently, the LOA should be issued for Sheheri Vitrak, Rurban Vitrak and Gramin Vitrak, as the case may be, as below:*

Table 6.3

	Nomenclature as per regular Distributorship selection guidelines, December, 2015	*To be commissioned as per Unified Guidelines*
1	*Urban*	*Sheheri Vitrak*
2	*Urban Rural*	*Rurban Vitrak*
3	*Rural*	*Gramin Vitrak*

29. In the above backdrop and reasons as discussed, this Court finds that the letter dated 19.02.2024 is an RTI compliance communication which does not affect the right of the petitioner, and that no illegality, arbitrariness or discrimination is shown in the categorisation of his LPG distributorship as 'Gramin Vitarak'. The petitioner, having applied under the Rural category and been empanelled accordingly, is not entitled to Rurban Vitarak for Rural area i.e. at Barrackpore/Kalyani Highway more in the District of 24- Parganas (North).

30. Consequently, none of the reliefs sought for can be granted.

31. Accordingly, **WPA No. 14425 of 2024** stands **dismissed** without order as to costs. Connected applications, if any, are also, thus, disposed of.

32. Interim order, if any, stands vacated.

33. Parties shall act on the server copies of this Judgment downloaded from the official website of the High Court at Calcutta.

34. Urgent Photostat certified copies of this Judgment, if applied for, be supplied to the parties upon compliance of all the necessary and legal formalities.

(Ajay Kumar Gupta, J.)

P.A.