

Sl. No.28.
01.07.2026
Suman
Ct.06.

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 806 of 2026

Arup De @ Arup Dey
Vs.
Indian Oil Corporation Limited and Ors.

Ms. Matan Chakraborty
Mr. Chinmoy Roy
Mr. Sayan Saha
..for the petitioner

Mr. Bikramaditya Ghosh
..for the respondents

An LPG distributorship for the Dhupguri Municipality area in Jalpaiguri was granted to M/s. Bimala Gas Service, a partnership firm registered under the Indian Partnership Act, 1932. The Indian Oil Corporation Limited, respondent no. 1, subsequently terminated the said distributorship. M/s. Bimala Gas Service successfully challenged the order of termination by filing a writ petition before this High Court. The order of the High Court was upheld by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No(s). 31111 of 2019 (Indian Oil Corporation Limited & Ors. v. Bimala Gas Service & Ors.), by an order dated September 27, 2019.

It appears that, in the interregnum, the Indian Oil Corporation Limited published an advertisement on August 31, 2017, inviting applications for LPG

distributorships at various locations in the State of West Bengal, including Dhupguri Municipality area. The petitioner applied pursuant to the said advertisement. However, in view of the order passed by the Hon'ble Supreme Court, the Indian Oil Corporation Limited subsequently decided to restore the distributorship in favour of M/s. Bimala Gas Service. Consequently, the selection process initiated pursuant to the advertisement dated August 31, 2017, in respect of the Dhupguri Municipality area, was abandoned. As a result, the petitioner's application was not considered.

Aggrieved thereby, the petitioner filed WPA 25024 of 2018 (Arup De v. Indian Oil Corporation Limited & Ors.), which was dismissed by a Co-ordinate Bench of this Court by an order dated July 11, 2025, holding, inter alia, that once the distributorship in favour of M/s. Bimala Gas Service had been restored, there was no occasion to consider the petitioner's application.

The present writ petition constitutes the second round of litigation at the instance of the petitioner. The petitioner now contends that the Indian Oil Corporation Limited ought to grant a second LPG distributorship in his favour for the Dhupguri Municipality area on the ground that M/s. Bimala Gas Service has reached the limit of 10,000 cylinders per month, as stipulated in the guidelines issued by the Ministry of Petroleum and Natural Gas of the Union.

In support of the said contention, learned counsel appearing for the petitioner has drawn the attention of this Court to a reply furnished by the Indian Oil Corporation Limited under the Right to Information Act, 2005. Whether or not there exists any justification for the appointment of a second distributorship in the said area is a matter to be determined by the Indian Oil Corporation Limited in accordance with the applicable distributorship selection guidelines. However, the petitioner cannot seek a direction upon the Indian Oil Corporation Limited to grant such distributorship in his favour. If the Corporation is of the opinion that a second distributorship is warranted, the matter must be considered strictly in accordance with the applicable guidelines governing the appointment of LPG distributors.

This Court is of the view that unless the Indian Oil Corporation Limited takes a conscious decision to establish a second distributorship in the said area and initiates the selection process by issuing an appropriate advertisement, the petitioner cannot claim any right to seek allotment of the distributorship in his favour.

Accordingly, I find no justification to entertain the present writ petition.

Consequently, **WPA 806 of 2026** stands dismissed.

It is, however, made clear that if the Indian Oil Corporation Limited decides to appoint a second LPG distributorship for the said area in accordance with the applicable guidelines, the petitioner shall be at liberty to apply pursuant to such advertisement, and his application shall be considered in accordance with law.

At this stage, learned counsel appearing for the petitioner submits that the security deposit of Rs. 50,000/- (Rupees Fifty Thousand only), deposited by the petitioner while submitting his application pursuant to the advertisement dated August 31, 2017, has not yet been refunded.

Accordingly, I direct the Indian Oil Corporation Limited to refund the said amount to the petitioner within a period of four weeks from the date of communication of this order, together with interest at the rate of 6% per annum from the date of deposit until the date of actual refund, in terms of the direction dated July 11, 2025 passed by the learned Single Judge in WPA 25024 of 2018.

(Kausik Chanda, J.)