

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

**Civil Appeal Nos. 10665 - 10666 of 2026
(Arising out of SLP (C) Nos.20031-20032 of 2019)**

Amit Kansotia

....Appellant

Versus

**Hindustan Petroleum Corporation
Limited & Ors.**

....Respondents

O R D E R

Leave granted.

2. The subject matter of the appeals is a dealership of the first respondent Corporation advertised in the year 2013, to be established at Vidisha District, Madhya Pradesh under the Scheduled Caste category in the Market Plan 2013-14. Applications were received and scrutinized, and the third respondent was found qualified, the others being held to be not qualified. However, the third respondent, on scrutiny, was not able to satisfy one of the conditions, i.e.: maintenance of Rs.5,00,000/- as balance in the savings bank account. A letter was issued by the respondent Corporation to the third respondent to clarify, which was replied with an admission that the bank account contained only Rs.28,500/-. The Corporation carried out a re-scrutiny of the applications of the other applicants and selected the appellant herein. The litigation arose on

such allotment being granted to the appellant.

3. Admittedly, the appellant has been carrying on the dealership having established it in the year 2016. The writ petition was dismissed and later the writ appeal was allowed by the impugned judgment in the year 2018. The appellant continued based on interim orders issued by this Court and today the matter is taken up for hearing.

4. The writ petition was rejected on the ground that the writ petitioner, third respondent herein had absolutely no *locus standi*. The third respondent was found to be disqualified, and which disqualification was on account of the clear admission of the third respondent that he did not satisfy one of the eligibility criteria of having minimum deposit of Rs.5,00,000/- in the bank account. An appeal was filed by the third respondent, which was allowed by the Division Bench.

5. Even before the Division Bench, the issue of *locus standi* was raised but the Division Bench brushed it aside and looked at the procedure followed by the respondent Nos.1 and 2, especially since the respondent is carrying out a public duty and the dealership grant will be largesse to the grantee, which has to be equitably and fairly allotted. It was found that there was no procedure to carry out a re-scrutiny of the already disqualified applicants.

6. The Corporation filed a review pointing out the communication of the Government of India, Ministry of Petroleum and Natural Gas dated 25.02.2016. According to them this conferred authority on the corporation to carry out a re-scrutiny without a corrigendum or addendum to the advertisement already published. On going through Annexure P13, the communication relied on by the Corporation, we are not inclined to find that such an exercise was permitted, insofar as disqualified applicants are concerned. However, the re-scrutiny had been carried out, and the applicant was selected and he was allotted the dealership, which commenced in 2016 and carried on till today without any complaint.

7. The direction in the impugned judgment was to carry out a fresh advertisement. Having established the dealership, a fresh advertisement now carried out would only result in further expenditure by the Corporation, which again would be a drain on public money. Though we are of the opinion that the procedure carried out was not permitted by the document produced as Annexure P13, there can be no dispute as to the applicant having qualified every aspect of eligibility at least in the re-scrutiny, since he was permitted to establish the dealership and he is running the same till date.

8. We were also told that the dealership was run without any problem in all these years. What assumes significance is the *locus standi* of the third respondent, having not been considered by the Appellate Court. The learned Single Judge had rejected the writ petition on the ground of *locus standi*, and we are also of the opinion that the third respondent had no *locus standi* to challenge the allotment, since he was a disqualified applicant and he could not raise the issue as a public interest also.

9. Considering the totality of the circumstances, we are inclined to set aside the order of the Division Bench only considering the fact that third respondent had no *locus standi* and the more compelling reason of the appellant having continued with the dealership all these years.

10. The appeals stand allowed only on the ground of continuation of the dealership in the intervening period.

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

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 11, 2026.**

ITEM NO.47

COURT NO.5

SECTION IV-C

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

Petitions for Special Leave to Appeal (C) Nos.20031-20032/2019

[Arising out of impugned final judgment and order dated 04-12-2018 in WA No. 1391/2018 and order dated 12-04-2019 in RP No. 78/2019 passed by the High Court of Madhya Pradesh at Gwalior]

AMIT KANSOTIA

Petitioner(s)

VERSUS

HINDUSTAN PETROLEUM CORPORATION LIMITED & ORS.

Respondent(s)

(IA No. 115114/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Sanjay Hegde, Sr. Adv.

Dr. Manoj Gorkela, Adv.

Mr. Saurav Pandey, Adv.

Ms. Nisha Dhaka, Adv.

Mr. Nagesh Gajghate, Adv.

Mr. Gautam Duddha Singh, Adv.

Mr. Manish, Adv.

Mr. Tanay Hegde, Adv.

Mr. Vivek Vishal Gautam, Adv.

Mr. Ankit Tiwari, Adv.

For M/s. Gorkela Law Office, AOR

For Respondent(s) :

Mr. Sanjay Kapur, AOR

Mr. Surya Prakash, Adv.

Ms. Shubhra Kapur, Adv.

Ms. Shristi Kundu, Adv.

Mr. Kartikey Kaushik, Adv.

Mr. Yogesh Tiwari, Adv.

Mr. Vikrant Singh Bais, AOR

Mr. Indramohan Kumar Tiwari, Adv.

Ms. Neema, Adv.

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

1. Exemption Application is allowed.
2. Leave granted.
3. The appeals stand allowed only on the ground of continuation of the dealership in the intervening period.
4. Pending application(s), if any, shall stand disposed of.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)