GAHC040004422025 2026:GAU-AP:688-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/15/2025

Taba Tagia
Son of Taba Tebi, resident of Village Billo, PO and PS Yazali, Lower Subansiri District, Arunachal Pradesh 791119

VERSUS

The Union of India and 3 Ors
represented by the Secretary, Ministry of Petroleum and Natural Gas, Shastri Bhavan, New Delhi 110001

2:The Hindustan Petroleum Corporation Limited
Age: 0
Occupation :
having its registered office at 17 Jamshedji Tata Road
Mumbai 400001
Maharashtra.

3:The Chairman cum Managing Director
Age: 0
Occupation :
Hindustan Petroleum Corporation Limited
having its registered office at 17 Jamshedji Tata Road
Mumbai 400001
Maharashtra

4:The Chief Regional Manager
Age: 0
Occupation :
Hindustan Petroleum Corporation Limited
Guwahati Retail Regional Office
Rajiv Gandhi Path
Betkuchi Near Maniram Dewan Trade Centre

Guwahati 781040
Kamrup District
Assa

Advocate for the Petitioner : T T Tara, Sr. Adv, Pondit Ronya,Kirmani Lollen,Terji Kamchi,Khoda Apa,Taba Tokur,Gamken Bam

Advocate for the Respondent : Marto Kato, Tabit Tapak,DSGI

:::BEFORE:::
HON'BLE MR. JUSTICE KARDAK ETE
HON'BLE MR. JUSTICE BUDI HABUNG

Date on which judgment is reserved : 21.07.2026
Date of pronouncement of judgment : 24.07.2026
Whether the pronouncement is of
the operative of the judgment? : No

Whether the full judgment has been
pronounced? : Yes

JUDGMENT & ORDER (CAV)

(Kardak Ete, J)

Heard Mr. T. T. Tara, learned Senior Counsel assisted by Mr. G. Bam, learned counsel for the appellant. Also heard Mr. M. Kato, learned DSGI for respondent No. 1, and Mr. T. Tapak, learned Standing Counsel, HPCL, for respondent Nos. 2,

3 & 4.

2. This intra-court appeal is directed against the order dated 27.02.2025, passed by the learned Single Judge in WP(C) No. 232(AP)/2024, whereby the writ petition filed by the appellant/ petitioner has been dismissed by holding that the decision of the Hindustan Petroleum Corporation Limited (HPCL), respondent Nos. 2 to 4 herein, rejecting the appellant's candidature for the award of a Regular/Rural Retail Outlet (Petrol Pump) Dealership on the ground that he did not possess a valid Land Possession Certificate (LPC), as required under Clause 4(vi) of the *Guidelines for Selection of Dealers for Regular/Rural Retail Outlets*, did not warrant interference in exercise of the writ jurisdiction.

3. The facts of the case, in brief, are that the respondent No. 2-Hindustan Petroleum Corporation Limited (HPCL) issued a Notice dated 28.06.2023 inviting applications for appointment of Regular/Rural Retail Outlet (Petrol Pump) Dealerships at various locations, including in the State of Arunachal Pradesh. Pursuant thereto, the appellant, belonging to the Scheduled Tribe (ST) category, submitted an online application on 22.09.2023 under Group -1, for award of a Retail Outlet Dealership for the location at "Within 1 Km of M/s Meens Stone Crusher on Hoj-Potin Road, NH-13", offering his own land situated at 16 Km, Potin area at Village Billo, Yazali, Lower Subansiri District, Arunachal Pradesh.

4. Upon consideration of the applications, the appellant was provisionally selected for the said dealership under Group-1 and by communication dated 13.12.2023, was directed to deposit an Initial Security Deposit of ₹30,000/- and upload the requisite documents in support of his candidature on or before 23.12.2023. The appellant deposited the prescribed amount and submitted the documents as called for by the respondent authorities.

5. Thereafter, by communication dated 01.06.2024, the respondent-HPCL rejected the appellant's candidature under Group-1 on the grounds that No Land Possession Certificate (LPC) is available and the Land Availability Certificate submitted by the appellant was not valid in terms of Rule 143 of the Arunachal Pradesh (Land Settlement and Records) Rules, 2012. The appellant was, however, informed that his candidature could be considered under Group-3 in accordance with the applicable Guidelines. Aggrieved thereby, the appellant instituted WP(C) No. 232(AP)/2024.

6. The learned Single Judge, after consideration of the submissions advanced by the learned counsel for the parties and the materials available on record, by the impugned order dated 27.02.2025, has dismissed the writ petition by holding that although the objection raised by HPCL regarding the Land Availability Certificate issued by the Circle Officer was not sustainable, the appellant had failed to satisfy the requirement of producing a valid Land Possession Certificate (LPC) evidencing ownership of the offered land as on the date of submission of the application, as contemplated under Clause 4(vi) of the Guidelines for Selection of Dealers for Regular/Rural Retail Outlet Dealerships. The relevant paragraphs of the impugned order are reproduced herein under:-

> "*14. As recorded here in above, the petitioner was provisionally selected and he was also intimated as regards its provisional selection. And accordingly, he had also deposited an amount of Rs.30,000/-(Rupees thirty thousand)only as initial security deposit. Such provisional allotment letter was issued on June 13, 2024. In the aforesaid document (Annexure-6), the petitioner was intimated as regards the requirement of document, which includes amongst other Kharsa/ Khatouni or any other equivalent revenue document or certificate obtained from revenue official confirming the status of ownership of the land as on the date of application.*
>
> *15. Admittedly, the petitioner along with his application dated 22.09.2023, though submitted a land availability certificate issued by Circle Officer, Yazali, Lower Subansiri District, Arunachal Pradesh but did not submit any ownership document (LPC).*

16. The first the objection of the HPCL is that such land availability certificate is not in terms of Rule 143 of the Arunachal Pradesh (Land Settlement and Records Rules), 2012.

17. Rule-143 reads as follows;

> *"the Deputy Commissioner may grant a certificate in respect of its holding to a landowner certifying the nature of his title, the revenue payable at the area giving such other particulars as may be necessary."*
>
> *Thus, it is the contention of the HPCL that the Land Availability Certificate is not issued by a competent authority, i.e, not by the Deputy Commissioner, but by a Circle Officer.*

18. In the aforesaid context, Mr. Tara, learned counsel for the petitioner contends that in terms of Section 6 of the Arunachal Pradesh (Land Settlement and Records Rules) Act, 2012, a Circle Officer comes within a definition of a Revenue Officer and such Revenue Officer is authorized to take cognizance of all matters connected with survey of land and settlement of the revenue rates and the preparation and maintenance of land records and other registers and authorized to function and perform all such duties as may be prescribed under the Act or by General or any special order. And therefore, according to Mr. Tara, the guideline/Brohure prescribes issuance of certificate by a Revenue Officer and not specifically mentioned that it should be issued by a Deputy Commissioner. In view of such prescription, the criterion of insisting a certificate by Deputy Commissioner is nothing but hidden criteria.

19. Referring to a determination made by a Coordinate Bench in the case of Nang Wontina Chowpoo Vs. the Union of India and others, (WP(C) 72/2024), Mr. Tara, submits that in a similar circumstance, the Coordinate Bench has in no ambiguity held that the Circle Officer/DLRSO shall be within its power to issue such a certificate.

20. This Court has perused the aforesaid judgment and it was held that Act of 2000 recognizes the DLRSO as revenue officer and Section-6 thereof lays down power of such officer as per which, a certificate can be issued. In the case in hand also the Circle Officer is a revenue authority and as enumerated under Section 4 of the Act of 2000 and therefore, similar principle will be applicable in the present case also, inasmuch as it was a land availability certificate and not LPC. Therefore, in considered opinion of this Court, the ground of rejection that the certificate issued by the Circle Officer is not in conformity with Rule-143 is not sustainable.

21. Having said so, this Court cannot be unmindful of the fact that one of the important requirements is certification/ document as regard ownership of the land offered. It is also not in dispute that in the State of Arunachal LPC are issued for ascertaining ownership/title of land. Therefore, let this Court now deal with the issue

of non-availability of LPC.

22. Now, coming to the ownership document, i.e LPC, Mr. Tara, submits that such certificate has been issued by the Additional Deputy Commissioner and therefore, reading as a whole, the authorities ought not to have rejected such prayer.

23. Countering the argument of the learned Standing Council for the HPCL that such certificate is dated 22nd of December, 2023, whereas the guideline/brochure strictly prohibits acceptance of any certificate beyond the last date of submission of application and the application was submitted by the petitioner on 22.09.2023 and therefore, the authorities cannot accept such LPC, Mr. Tara, learned counsel for the petitioner contends that the petitioner was provisionally selected and was asked to upload all these documents by 23.12.2023. And on the basis of such request, the petitioner had uploaded the LPC which was dated 22.12.2023 and therefore, such LPC is dated prior to 23.12.2023 and therefore, such document could not have been rejected for the reason that same is not issued on the last date of filing of application. Therefore, Mr. Tara, submits that when the authorities themselves asked the petitioner to up load the LPC by 23.12.2023, they cannot approbate and reprobate at the same time by insisting that such certificate should be dated at least to the last date of filing of the application which in the case is 22.09.2023.

24. So far relating to the uploading and non-availability of LPC, this Court, do not find favour of the argument of Mr. Tara, learned counsel for the petitioner. It is not disputed by either of the parties that the dealership is to be selected in terms of the guidelines holding the field in this regard. Clause-4 (vi) (e) mandates that at least a certificate from the revenue official confirming the status of the ownership of the land as on the date of the application is required to be furnished. Thus, it is loud and clear that the date of certificate confirming the status of ownership of the land should be at least issued on the last date of filing of the application, which is 22.09.2023 and in this case, the LPC is dated 23.12.2023. Clause-4 (vi) (f) also indicates acceptance of a document which includes allotment letter issued by the Government, in this case in hand, the petitioner admittedly relies on the LPC which is dated 23.12.2023.

25. Now, coming to the communication dated 13.06.2023 by which, the petitioner was intimated as regard his provisional selection, it is clear from the said letter that the certificate required to be produced should be issued on or before the date of application submitted by the petitioner i.e. it should be dated on or before 22.09.2023. However, this is not the case in hand and the LPC was admittedly issued by the revenue authorities on 23.12.2023, which is admittedly beyond 22.09.2023.

26. In the aforesaid background, the decision of the HPCL holding that there was no valid LPC cannot be faulted by this Court in exercise of its writ jurisdiction. This Court cannot also term the action of the authorities to be arbitrary of approbation and

reprobation, inasmuch as they clarified at every stage that such certificate should be issued at least on the last date of submission of the application and therefore, asking the petitioner to upload a certificate by 23.12.2023, shall not create a right upon the petitioner to submit the ownership certificate beyond the time limit prescribed and as recorded herein above.

27. For the reasons recorded herein above, this Court cannot held the impugned decision to be a result of, either arbitrary exercise of power or violative of any of the legal or constitutional right of the petitioner. Accordingly, the writ petition stands dismissed."

7. Mr. T. T. Tara, learned Senior Counsel for the appellant, while drawing the attention of this Court to the impugned order dated 27.02.2025, submits that the learned Single Judge has committed a manifest error in dismissing the writ petition by holding that the appellant did not possess a valid Land Possession Certificate (LPC) as required under Clause 4(vi) of the Guidelines for Selection of Dealers for Regular/Rural Retail Outlet Dealerships (hereinafter referred to as "the Guidelines"). The learned Single Judge has failed to appreciate that the appellant had, along with his application submitted on 22.09.2023, furnished a Land Availability Certificate dated 22.09.2023, issued by the Circle Officer, Yazali, certifying the status of ownership of the land offered for the dealership, which fully satisfied the requirement of Clause 4(vi)(e) of the Guidelines.

8. Learned Senior Counsel submits that the Circle Officer is a Revenue Officer within the meaning of Sections 4 and 6 of the Arunachal Pradesh (Land Settlement and Records) Act, 2000, and is competent to issue a certificate relating to the ownership and availability of land. He submits that once the learned Single Judge himself held that the Land Availability Certificate issued by the Circle Officer could not have been rejected on the ground that it was not issued by the Deputy Commissioner, there remained no justification for sustaining the rejection of the appellant's candidature by insisting upon a separate Land Possession Certificate (LPC). The Land Possession Certificate

subsequently issued in respect of the very same land merely corroborated the ownership already reflected in the Land Availability Certificate and could not have been treated as creating a fresh title in favour of the appellant.

9. Learned Senior Counsel further submits that the learned Single Judge failed to correctly appreciate Clauses 4(vi)(e) and 4(vi)(f) of the Guidelines. Clause 4(vi)(e) merely requires production of a certificate issued by a Revenue Officer confirming the status of ownership of the land as on the date of the application, whereas Clause 4(vi)(f) contemplates uploading any of the prescribed ownership documents as and when called upon by the Oil Marketing Company. He submits that, after the appellant was provisionally selected, he furnished the documents called for by the respondent authorities, including the Land Possession Certificate issued by the competent authority and therefore, the respondent authorities could not have rejected his candidature on the ground that the said certificate had been issued after the date of submission of the application. He submits that such action on the part of the respondent authorities is self-contradictory and amounts to approbate and reprobate which is not permissible in law.

10. Mr. Tara, learned Senior Counsel, submits that the learned Single Judge failed to appreciate that in a similarly situated matter, the learned Single Bench of this Court in **Nang Wontina Chowpoo v. Union of India & Ors. (WP(C) No. 72/2024)** has held that a Revenue Officer under the Arunachal Pradesh (Land Settlement and Records) Act, 2000 is competent to issue a certificate of the nature relied upon by the appellant. He submits that the ratio of the said decision squarely covers the present case and in the absence of any distinguishing feature or reference to a larger Bench, the learned Single Judge ought to have granted the appellant the same relief. Therefore, Mr. Tara, learned

Senior Counsel, submits that the communication dated 01.06.2024 rejecting the appellant's candidature and the impugned order dated 27.02.2025 deserve to be set aside.

11. On the other hand, Mr. T. Tapak, learned Standing Counsel, HPCL, submits that the learned Single Judge has rightly dismissed the writ petition, as the appellant admittedly failed to produce a valid Land Possession Certificate (LPC) issued on or before the date of submission of the application, as mandated under Clause 4(vi)(f) of the Guidelines. Since the appellant submitted his application on 22.09.2023, whereas the Land Possession Certificate (LPC) was issued subsequently, the respondent authorities rightly rejected the candidature of the appellant under Group-1. He submits that the Land Availability Certificate issued by the Circle Officer cannot be treated as a valid ownership document under the Guidelines. As per the Arunachal Pradesh (Land Settlement and Records) Act, 2000, the Rules framed thereunder and the relevant Government notifications, a Land Possession Certificate can be issued only by the Deputy Commissioner or such other competent authority and not by the Circle Officer. Therefore, he submits that the impugned order warrants no interference.

12. We have considered the submissions of learned counsel for the parties and also perused the materials available on record, including the impugned order dated 27.02.2025 passed by learned Single Judge.

13. Pursuant to Notice dated 28.06.2023 issued by the respondent-HPCL inviting applications for appointment of Regular/ Rural Retail Outlet (Petrol Pump) Dealerships, the appellant submitted his online application on 22.09.2023 under the Scheduled Tribe (ST) category-Group-1, for the location at "Within 1 Km of M/s Meens Stone Crusher on Hoj-Potin Road, NH-13", offering his own land for establishment of the retail outlet. Upon being declared provisionally

selected, the appellant deposited an amount of Rs. 30,000/- as the Initial Security Deposit (ISD) and furnished the documents as required by the respondent authorities. However, by communication dated 01.06.2024, the respondent-HPCL rejected the appellant's candidature under Group-1 on the grounds that the Land Possession Certificate furnished by him did not satisfy the requirements prescribed under the Guidelines and that the Land Availability Certificate issued by the Circle Officer was not a valid document under Rule 143 of the Arunachal Pradesh (Land Settlement and Records) Rules, 2012.

14. To appreciate the controversy involved in the present appeal, it is apposite to refer to Clause 4(vi)of the Guideline, i.e. Brochure for Selection of Dealers for Regular & Rural Retail Outlets, which governs the selection of dealers for Regular & Rural Retail Outlets through draw of lots/bidding process. The same is reproduced hereinbelow:

> *"4. ELIGIBILITY CRITERIA FOR INDIVIDUAL APPLICANTS-PROPRIETORSHIP/PARTNERSHIP*
>
> *…….*
>
> *…….*
>
> *(vi) Land (Applicable to all categories):*
>
> *The applicants would be classified into three groups as mentioned below based on the land offered or land not offered by them in the application form: -*
>
> *Group-1: Applicants having suitable piece of land in the advertised location/area either by way of ownership / long term lease for a period of minimum 19 years 11 months or as advertised by the OMC.*
>
> *Group-2: Applicants having Firm Offer for a suitable piece of land for purchase or long-term lease for a period of minimum 19 years 11 months or as advertised by the OMC.*
>
> *Group-3: Applicants who have not offered land in the application. Only applicable for locations advertised under SC/ST category.*

Applications under Group 3 would be processed/advised to offer land (Annexure - D) only in case no eligible applicant is found or no applicant get selected under Group-1& Group-2.

In case land offered by all the applicants under Group 1 & Group 2 is found not suitable/not meeting requirements, then these applicant/s under Group -1 & Group - 2 along with applicants under Group 3 (who did not offer land along with application) would be advised by the OMCs to provide suitable land in the advertised location /stretch, within a period of 90 days from the date of issuance of intimation letter to them through SMS/e-mail. In case the applicant fails to provide suitable land within the prescribed period, or the land provided is found not meeting the laid down criteria, the application would be rejected.

The other conditions with respect to offering of land are as under: -

a) The land should be available with the applicant as on the date of application and should have minimum lease of 19 years and 11 months (as advertised by respective oil company) from the date or after the date of advertisement but not later than the date of application. If the offered land is on Long-term lease and there are multiple owners, then lease deed should be executed by all co-owners of the offered plot. Incase lease deed is not executed by all co-owners; such lease deed shall be treated as invalid.

b) If the offered land is on long term lease, then the Lease agreement should have a provision to sub-lease the offered land wherever the locations are advertised under Corpus Fund Scheme (CFS) and other Corporation Owned Sites ("A"/ "CC" sites).

In case it is observed that the lease agreement for the land offered by the provisionally selected candidate does not have a provision to sub-lease the land, in such cases the provisionally selected candidate would be provided 21 days' time from the date of intimation through SMS/e-mail to make suitable amendment/addendum to the lease agreement and submit the same to the concerned OMC.

c) For Dealer owned sites ("B"/ "DC" sites), the applicant should ensure that the land arranged by the applicant is either registered in the applicant's name or leased in favour of the applicant for a minimum period as advertised by respective oil company, as per terms of Letter of Intent (LOI). Investment will be made by the OMC towards development of facilities in the offered land only after compliance of the afore mentioned, by the applicant. In case land is obtained on long term lease by the applicant, the lease should be valid till a period of 19 years 11 months from the date

or after the date of advertisement but not later than the date of application.

d) For Corporation owned sites ("A"/ "CC"/ "CFS" sites), the applicant should ensure that the land offered by the applicant is registered in the name of the OMC either through Long Term Lease or through outright sale before any investment is made by the OMC towards development of facilities in the offered land. In case of long term lease, the lease should be valid till a period of 19 years 11 months from the date or after the date of advertisement but not later than the date of application.

e) As and when advised by the OMC, the provisionally selected candidate should upload a copy of Khasra / Khatouni or any other equivalent revenue document or certificate obtained from revenue official confirming the status of ownership of the land, as on the date of application.

As and when advised by the OMC, the provisionally selected candidate will also be required to upload a site map / layout sketch of the offered plot as per Appendix - V.

f) In addition to above, as and when advised by the OMC, provisionally selected candidate(s) under Group-1 should also upload a copy of any one of the following documents to establish ownership of land offered for the Dealership. The documents must have been executed / registered / issued on or before the date of application:-

- *Registered Sale deed/Registered Gift deed*
- *Registered Lease deed for a minimum period of 19 years and 11 months (as advertised by respective oil company).*
- *Any other type of ownership / transfer deed document*
- *Lease agreement or firm allotment letter issued by Government / Semi Government bodies"*

15. On a reading of the aforesaid Guidelines, particularly Clause 4(vi), it is seen that the same, *inter alia*, classifies applicants into three groups, namely, Group-1, Group-2 and Group-3, depending upon the nature of the land offered by them along with the application. Insofar as the present case is concerned, the appellant admittedly falls under Group-1, having offered his own land for establishment of the Retail Outlet. Clause 4(vi) further stipulates the conditions governing the land offered by an applicant and the documents required to be

furnished by a provisionally selected candidate in support of his claim of ownership over such land. Clause 4(vi)(e) requires the provisionally selected candidate, as and when advised by the Oil Marketing Company (OMC), to upload a copy of Khasra/Khatouni or any other equivalent revenue document or a certificate obtained from the Revenue Officer confirming the status of ownership of the land as on the date of application. Clause 4(vi)(f) further requires a provisionally selected candidate under Group-1 to upload any one of the documents specified therein to establish ownership of the land offered for the dealership, with the stipulation that such document must have been executed, registered or issued as on the date of application.

16. The appellant/petitioner had submitted a Land Availability Certificate dated 22.09.2023 certifying that land situated at 16 KM, near M/s Meens Stone Crushing, Potin, was available in his possession for establishment of an HPCL Regular Retail Outlet Dealership. Thereafter, the respondent-HPCL, vide communication dated 13.12.2023, informed the appellant that he had been provisionally selected for award of Retail Outlet Dealership at "Within 1 Km of M/s Meens Stone Crusher on Hoj-Potin Road, NH-13, Lower Subansiri District, Arunachal Pradesh" under the Scheduled Tribe (ST) category pursuant to the Notice dated 28.06.2023. By the said communication, the appellant was required to remit an amount of Rs. 30,000/- towards the Initial Security Deposit and upload the prescribed self-attested documents. Amongst the documents required to be uploaded was Khasra/Khatauni or any other equivalent revenue document or a certificate obtained from a Revenue Officer confirming the status of ownership of the land as on the date of application. The communication further stipulated that the candidature of the provisionally selected candidate would be liable to be rejected in the event the Initial Security Deposit was not

remitted or the requisite documents were not uploaded on or before 23.12.2023. Pursuant thereto, the appellant uploaded a Land Possession Certificate dated 12.12.2023 issued by the Additional Deputy Commissioner, Yachuli, certifying that land situated at 16 KM Potin area was in his possession. The said certificate was issued on the basis of the report submitted by the Circle Officer, Yazali, dated 14.09.2023.

17. Thereafter, the respondent-HPCL, vide communication dated 01.06.2024, informed the appellant that his candidature under Group-1 had been rejected on the ground that the land documents furnished by him were not valid for consideration under Group-1, inasmuch as no Land Possession Certificate (LPC) was available and the Land Availability Certificate relied upon by the appellant was not a valid document in terms of Rule 143 of the Arunachal Pradesh (Land Settlement and Records) Rules, 2012. However, it was also indicated that his candidature could be considered along with Group-3 applicants in terms of the Guidelines.

18. As noted above, Clause 4(vi)(e) of the Guidelines requires a provisionally selected candidate, as and when advised by the Oil Marketing Company (OMC), to upload Khasra/Khatauni or any other equivalent revenue document or a certificate obtained from a Revenue Officer confirming the status of ownership of the land as on the date of application. Clause 4(vi)(f) further requires a provisionally selected candidate under Group-1 to upload any one of the prescribed ownership documents, namely, a registered sale deed, registered gift deed, registered lease deed, any other ownership/transfer deed document or a lease agreement/firm allotment letter issued by the Government/Semi-Government bodies. The said clause further stipulates that such document must have been executed, registered or issued on or before the date of application.

19. In the present case, although the communication dated 13.12.2023 called upon the appellant to upload the requisite documents on or before 23.12.2023, the requirement under the Guidelines remained that the revenue document or certificate relied upon by the appellant to establish his ownership of the land should satisfy the eligibility criteria prescribed therein by reiterating that such document be as on the date of application. Admittedly, while the appellant submitted his application on 22.09.2023, the Land Possession Certificate relied upon by him was issued only on 12.12.2023. Thus, although the fact that the appellant uploaded the documents within the time stipulated by the respondent-HPCL, the Land Possession Certificate was not a document issued on or before the date of submission of the application. In such circumstances, we are of the view that the rejection of the appellant's candidature under Group-1, notwithstanding his provisional selection, cannot be said to be illegal.

20. It is well settled that an authority inviting applications or bids is entitled to punctiliously and rigidly enforce the eligibility criteria and conditions governing such selection. Reference in this regard may be made to the decision of Hon'ble Supreme Court in **G. J. Fernandez Vs. State of Karnataka & Ors.**, reported in **(1990) 2 SCC 488.**

21. It is also settled position of law that judicial interpretation of contracts in the sphere of commerce stands on a distinct footing than while interpreting statutes. The courts should give way to the opinion of the experts unless the decision is totally arbitrary or unreasonable. The author of the tender document or the authority which formulates the governing terms and conditions is the best person to understand and appreciate its requirements and interpret its documents. The constitutional courts must defer to this understanding and appreciation of the tender documents, unless there is mala fide or perversity in

the understanding or appreciation or in the application of the terms of the tender conditions. It is possible that the owner or employer of a project may give an interpretation to the tender documents that is not acceptable to the constitutional courts but that by itself is not a reason for interfering with the interpretation given. The court does not sit as a court of appeal over the appropriate authority; the court must realise that the authority floating the tender is the best judge of its requirements and, therefore, the court's interference should be minimal. The authority which floats the contract or tender, and has authored the tender documents is the best judge as to how the documents have to be interpreted. If two interpretations are possible then the interpretation of the author must be accepted. The courts will only interfere to prevent arbitrariness, irrationality, bias, mala fides or perversity.

22. In **Afcons Infrastructure Ltd. v. Nagpur Metro Rail Corporation Ltd.& Anr.,** reported in **(2016) 16 SCC 818**, the Hon'ble Supreme Court has held, which is reproduced herein below:

> "*15. We may add that the owner or the employer of a project, having authored the tender documents, is the best person to understand and appreciate its requirements and interpret its documents. The constitutional Courts must defer to this understanding and appreciation of the tender documents, unless there is mala fide or perversity in the understanding or appreciation or in the application of the terms of the tender conditions. It is possible that the owner or employer of a project may give an interpretation to the tender documents that is not acceptable to the constitutional Courts but that by itself is not a reason for interfering with the interpretation given.*"

23. In the case of **Pawan Kumar vs. Union of India & Ors,** reported in **(2024) 12 S.C.R 1253,** in a similar case, the Hon'ble Supreme Court has reiterated that the Public Sector Undertaking that authors the tender documents is the best person to understand, appreciate and interpret its requirements and the constitutional courts must defer to its understanding unless there is

malafides or perversity.

24. Applying the aforesaid principles to the facts of the present case, we find no infirmity in the interpretation placed by the respondent-HPCL on Clause 4(vi) (e) and (f) of the Guidelines. The Guidelines specifically require that the revenue document/certificate confirming the status of ownership of the land should be as on the date of application and further stipulate that the ownership document required under Clause 4(vi)(f) must have been executed, registered or issued on or before the date of application. Admittedly, the appellant submitted his application on 22.09.2023, whereas the Land Possession Certificate relied upon by him was issued subsequently on 12.12.2023. Merely because the appellant was permitted to upload the requisite documents after his provisional selection would not dilute or override the eligibility conditions expressly prescribed under the Guidelines.

25. As held by Hon'ble Supreme Court and discussed herein above, the author of the tender document is the best person to understand and interpret its terms. Unless the interpretation adopted by the tendering authority is shown to be arbitrary, mala fide, irrational or perverse, the Constitutional Courts ought not to substitute their own interpretation. In the present case, we do not find that the interpretation adopted by the respondent-HPCL suffers from any such infirmity warranting interference in exercise of judicial review.

26. For the foregoing reasons, we find ourselves in agreement with the view taken by the learned Single Judge that, although the appellant had uploaded the Land Possession Certificate within the time stipulated by the respondent-HPCL, the said certificate did not satisfy the requirement of Clause 4(vi) (e)) and (f) of the Guidelines, having admittedly been issued subsequent to the date of submission of the appellant's application. Consequently, the rejection of the

appellant's candidature under Group-1 cannot be said to be arbitrary, illegal or contrary to the terms of the Guidelines.

27. In view of the foregoing discussion, we find no merit in the present writ appeal. Consequently, the order dated 27.02.2025, passed by the learned Single Judge in WP(C) No. 232(AP)/2024, does not warrant any interference and the same stands affirmed. Accordingly, the writ appeal stands dismissed. There shall be no order as to cost(s).

JUDGE **JUDGE**

Comparing Assistant