

24.03.2025.
Item No. 12.
Court No. 13
ap

F.M.A. 382 of 2025
With
I.A. No. CAN 1 of 2025

Sri Kanchan Kumar Sarkar
Versus
Union of India & Ors.

Mr. Jagadis Chandra Das,
Mr. Binoy Kumar Das.

...For the appellant.

Mr. Manwendra Singh Yadav,
Mrs. Saswati Chatterjee,
Mrs. Satabdi Naskar (Kundu).

...For the respondent nos.5 to 12.

Mr. Bhudeb Chatterjee.

...For the Union of India.

1. The appellant challenges the judgment and order dated 3rd January, 2025 passed by a learned Single Judge of this Court in W.P.A. No. 6803 of 2022.

2. The brief facts relevant to the instant case are that the writ petitioner applied for LPG Dealership for the Kalyani-Barrackpore High Way More in Scheduled Caste and Scheduled Tribes Reserved Category. He had given two certificates and/or documents towards the experience requirement under Clause IX of the Brochure. One certificate was from M/s. Indo Blue Flames Private Limited and another from one M/s. Base Corporation Limited. The certificates from M/s. Base Corporation Limited was verified and found to be genuine.

3. However, in so far as the certificate from M/s. Indo Blue Flames Private Limited and the documents submitted in support thereof were found to have been

tampered with by the appellant. The tampering is also evident to this Court.

4. The private respondent first challenged the rejection before a Single Bench of this Court in W.P. No. 24144 (W) of 2010. The matter was carried to a Division Bench of this Court which directed by an order dated 2nd April, 2013 in M.A.T. No. 325 of 2013 where the matter was remanded back for further consideration after impleading the appellant as party thereto.

5. The final result of the writ petition being W.P. No. 24144 (W) of 2010 that was heard by an order dated 28th June, 2019 along with another writ petition filed by the appellant being W.P. No. 20764 (W) of 2012 was that the Deputy General Manager of Indian Oil Corporation Limited was directed to consider the case of both the appellant and the private respondent afresh and to pass a reasoned order within a period of eight weeks thereof.

6. The impugned order thereafter came to be passed by the respondents dealing with the case of the appellant herein as well as the private respondent separately. The impugned order by which the appellant's application was reconsidered is dated 11th November, 2019. The original order of cancellation of the petitioner's application was reiterated by the Deputy General Manager of Indian Oil Corporation Limited.

7. The said order dated 11th November, 2019 passed by the respondent IOCL came to be challenged in the writ petition being W.P.A. No. 6803 of 2022 (Kanchan Kumar Sarkar – Vs. – Union of India & Ors.) and that was disposed of by the impugned judgment dated 3rd January, 2025 by a Single Judge of this Court.

8. This Court notes that the finding of the respondent authorities in the impugned order dated 11th November, 2019 is well reasoned and based on evidence that has come on record as produced by the appellant. The respondents IOCL found that the letter of appointment dated 29th May, 1999 issued by one M/s. Indo Blue Flames Private Limited contains a eight digit telephone number which was not in existence in the year 1999 as certified by the BSNL. No document was produced by the appellant to confirm as to how long he remains a Dealer of M/s. Indo Blue Flames Private Limited. Several documents, namely, money receipts issued by M/s. Indo Blue Flames Private Limited to the petitioner were found to be forged by the respondents. Such forgery is apparent to this Court as well. The telephone number on the price list and the money receipts though issued in the same time of the letter of appointment had six digit numbers. The respondents also found tampering of the date in several documents. The digit “0” in several

documents appears to have been converted into the digit “9” by tampering.

9. The learned Single Judge rightly found that the impugned order passed by the respondent IOCL calls for no interference since it was duly supported by the evidence and there was no perversity therein. The petitioner was given a comprehensive opportunity to defend himself.

10. The learned Single Judge rightly rejected the appellant’s argument that not being given an opportunity to counter the application of the private respondent and the credentials submitted by him does not amount to violation of the principles of natural justice.

11. For the reasons stated hereinabove, this Court finds no reason to interfere with the order of the learned Single Judge passed in the writ petition. F.M.A. 382 of 2025 shall stand dismissed.

12. In view of the dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)