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08.09.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 21291 of 2025

Rubber Regenerating & Processing Co.
Vs.
Indian Oil Corporation Limited (IOCL) & Anr.

Mr. Jishnu Chowdhury., Sr. Adv.
Ms. Sucheta Mitra.
Ms. Sanjana Shaw.

... for the Petitioner.

Ms. Vineeta Meharia. Sr. Adv.
Mr. Shounak Mukhopadhyay.
Mr. Amit Meharia.
Ms. Paramita Banerjee.
Mr. Rohan Raj.
Mr. Tamoghna Chattopadhyay.

... for the respondent no. 1.

Mr. Sukumar Bhattacharya.
Ms. S. Sha.

... for the Union of India.

1. The writ petition arises out of a bid document floated in the GeM portal by Indian Oil Corporation Limited (IOCL) for its IOCL- Panipat Refinery.
2. The bid is limited to only one bidder. The petitioner is aggrieved by the same.
3. Specific submission is that the entire bid document is an eyewash as the organisation has already named the bidder in the tender document.
4. The decision making process to purchase materials from only one bidder is challenged.

5. Learned advocate representing IOCL raises a preliminary objection with regard to the maintainability of the writ petition before this Court.
6. Learned counsel relies upon the order dated 24th July, 2025 passed by the High Court at Madras in **Writ Petition No. 25899 of 2025 and W.M.P. No. 29127 of 2025 (M/s. Swan Enterprises Private Limited -Vs- Indian Oil Corporation & Anr.)** wherein in respect of a similar bid floated by IOCL for a contract to be allotted at Panipat Haryana stood rejected on the ground of lack of territorial jurisdiction of the Madras High Court to decide the issue.
7. Learned advocate representing the petitioner submits that the writ petition is not particularly against the tender floated for the Panipat Refinery. The affectation of the right of the petitioner within the jurisdiction of this Court has been highlighted for the purpose of maintaining the writ petition in this Court.
8. Upon hearing the parties and on perusal of the documents it appears that the impugned tender is floated for the IOCL Panipat Refinery. There is nothing on record to show that similar clauses restricting the tender to only one bidder was floated within the jurisdiction of this Court. The materials will be required by IOCL at Panipat. A similar issue has been decided by the Madras High Court and the writ petition stood rejected.
9. The Court is of the opinion that the petitioner does not have any cause of action to maintain the writ petition

before this Court. The integral part of the cause of action, that is, the tender document which has been floated is for the IOCL refinery at Panipat which falls outside the territorial jurisdiction of this Court. Only because the tender has been floated online and the right of the petitioner to participate in the tender process is allegedly infringed within the jurisdiction of this Court will, in my humble opinion, will not confer jurisdiction upon this Court to entertain the writ petition.

10. In view of the above, the Court is not inclined to exercise jurisdiction in this matter.
11. The writ petition fails and is hereby dismissed.
12. Dismissal of the writ petition will, however, not stand in the way of the petitioner to approach the proper forum in accordance with law, if so advised.
13. Be it recorded that as the writ petition is not being entertained, the allegations made therein are deemed not to have been admitted by the respondents.
14. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)