

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 24.02.2025

DELIVERED ON: 24.02.2025

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

**F.M.A. 1459 of 2024
With
I.A. No. CAN 1 of 2025**

**Arnab Kumar Maji
Vs.
Indian Oil Corporation Limited & ors.**

Appearance:-

Mr. D.N. Bose

Mr. Sujit Chowdhury for the appellant

Mr. Pushpendu Chakraborty.....for the Indian Oil Corporation Ltd.

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal filed by writ petitioner is directed against the order dated January 18, 2024 in W.P.A. 29125 of 2023. The appellant/writ petitioner contended that the draw of lots done by the Indian Oil Corporation Limited for selection of dealers for regular and rural retail outlets was flawed since the private respondent in the writ petition, who

had been declared as the successful dealer, was not present at the time of drawal of lots.

2. What we are required to see is the relevant condition in the brochure for Selection of Dealers for Regular & Rural Retail Outlets. Clause H deals with Selection Through Draw of Lots/Bidding and sub-clause (f) of clause H states, in case of more than one eligible applicant, selection of RO dealer for an advertised location will be done through computerized draw of lots/bid opening from the eligible applicants for that location. Nowhere it is stated in the brochure that the candidates, who had applied should be personally present. Therefore, such condition being not mandatory in the brochure, it is not for the writ Court to re-write the terms and conditions of the brochure.
3. Apart from that, the appellant/writ petitioner having been a participant in the selection process, is *estopped* from questioning the terms and conditions of selection.
4. Thus, we find no ground to interfere with the impugned order. Accordingly, the appeal fails and is dismissed.
5. No costs.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)