

18.05.2026

Sl. No.: 30

Court No.10

BM

WPA 9921 of 2026

UJJWAL KUMAR SANTRA

VS

**HINDUSTAN PETROLEUM CORPORATION LTD. AND
ORS.**

Mr. Pingal Bhattacharyya

Mr. Rajdeep Sinha

... for the petitioner

Mr. Prasun Mukherjee

Mr. Deepak Agarwal

... for the HPCL

1. Affidavit of service filed be kept with the record.
2. Despite service none appears on behalf of the private respondent and the other concerned authorities.
3. The petitioner in the instant case challenges the legality, validity and sustainability of the letter of intent issued to the private respondent no.5 by the respondent no.8 without considering their representation made by the petitioner dated 21st April, 2025.
4. The petitioner files a supplementary affidavit affirmed on 11th May, 2026 annexing certain relevant documents as required by the adjudication of the issue involved herein.
5. Main grievance of the petitioner is that land measuring of the private respondent is 20 Satak which is far below the measurement specified in the brochure. Despite such specification the respective respondent authorities issued the licence in favour of the private respondent.

6. Learned counsel for the petitioner submits that the petitioner has filed a representation dated 21.4.2025, being Annexure P-17 at page 109 of the writ petition which remains pending for consideration. It has been contended that the private respondent no. 15, has made false and fabricated statements in his application for LPG distributorship at Haripal District, Hooghly, pursuant to the advertisement dated 31.8.2017.

7. It is further submitted that respondent No. 9 in its report has already arrived at a conclusive findings that the private respondent did not fulfil the eligibility criteria for constructing an LPG, godown, as required under the Petroleum and Explosive Safety Organization and Oil Company Rules (hereinafter referred to as PESO). The petitioner seeks cancellation of the letter of intent and a fresh draw of lots among eligible candidates.

8. The petitioner places reliance upon an order passed by the Co-ordinate Bench of this Court which is reproduced below :-

“ However, I make it clear that the concerned respondent shall verify the case of the respondent no.8 according to the law before finally issuance of licence, keeping in mind about the allegations made by the petitioner before this Court. Any flaws on behalf of private respondent no.8 to comply the terms of notification or LOI shall disentitle him to obtain licence.”

9. It is also submitted that the Hon'ble Apex Court in the case of the private respondent was pleased to observe in paragraph 30 which is reproduce below :

“ It is, however, made clear that apart from the questions that we have decided, no part of our observations shall be treated as expression of opinion on the further requirements/compliances, if any, with regard to HPCL proceeding with the appellant's candidature for the LPG distributorship. The same may be decided as per the applicable laws and guidelines by the competent authority of HPCL.”

10. Learned counsel of the petitioner draws the attention of this court to the representation dated 21st April, 2025 being Annexure “P-17” at page 109 of the writ petition which remains pending for consideration.

11. Learned counsel appearing for the respondent no. 1 to 7 submitted that, on the basis of reports filed by respective parties, HPCL has filed a report before PESO. Upon being satisfied with the report submitted by HPCL being respondents Nos. 1 to 7 herein, PESO granted a no-objection certificate in favour of the private respondent. Consequently, respondent no. 1 to 7 issued a letter of intent in favour of the private respondent, and respondent no. 8 granted a license on the basis of the said No-objection certificate and letter of intent.

12. After hearing the rival contention of the parties and perusing the records made available, this court of the view that the matter requires an independent

enquiry to arrive at a conclusive findings regarding the grant of the LPG distributorship licence. The Hon'ble Apex Court in the case of the Private respondent, has made it clear that no part its observation shall be treated as an expression of opinion on further requirements/compliances, and that the same may be decided as per applicable laws and guidelines by the competent authority of HPCL being the respondent No. 1 to 7.

13. In view of the above the petitioner is further directed to file a fresh comprehensive and detailed representation before respondent No. 8 within two weeks from date of this order.

14. The concerned authority shall consider and dispose of the said representation, with the assistance of the respondent no. 9, 10, 12, and 14 preferably within eight weeks. The authority shall pass a reasoned order in accordance with law after affording an opportunity of hearing to the petitioner, private respondent and other stake holder, if any.

15. The respondent shall conduct an independent enquiry with the assistance of the respondent nos.9, 10, 12 and 14 in the presence of the petitioner and the private respondent independently of the field enquiry in light of paragraph 8A(ii) of the brochure on Unified Guidelines for Selection of LPG Distributorship dated June, 2017.

16. In the meantime, the respondent authorities are directed to maintain status quo until respondent no.8 arrives at a conclusive finding and communicates its decisions to the petitioners.

17. With the above observation and direction the writ petition is disposed of. No order as to costs.

18. Since the affidavit has not been called for, the allegations contained in the writ petition are deemed to have been denied and not admitted.

19. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Smita Das De, J.)