

03
10.6.2026
Court No. 10
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 12334 of 2026

**Anjana Biswas & Anr.
-versus
Indian Oil Corporation Limited & Ors.**

**Mr. Ram Anand Agarwala.
Ms. Nibedita Pal.
Mr. Ananda Gopal Mukherjee.
Ms. Sonam Ray.
Ms. Nasrin Khatoon.**

... For the petitioners.

**Mr. Amit Kumar Nag.
Ms. Rishita Sarkar.**

... For the respondent nos. 1 to 3.

**Mr. Dhiraj Kumar Trivedi. Sr. Adv.
Mr. H. N. Datta.
Ms. Divyanshi Shaw.**

... For the respondent nos. 4 and 5.

1. Heard the parties through their respective learned counsels.
2. The core issue involved in the instant case is whether a partnership deed dated 14.12.2015 duly notarized on 11.01.2016 can be considered to be a legal document in the eye of law and whether the respondent IOCL can be directed by way of writ of Mandamus to grant approval to the said partnership deed.
3. The petitioners in the instant case prays for a Mandamus commanding the IOCL authorities to grant approval to the partnership deed dated 14th December, 2015 duly notarized on 11th January, 2016.
4. The main grievance of the petitioners are with regard to the inaction on the part of the

respondent no. 1 in not considering the representation dated 13.05.2026 which remains pending for consideration despite lapse of reasonable time.

5. Learned counsel contends that under Partnership Act, 1932 a partnership deed is a legal document and IOCL cannot withhold approval without assigning cogent reasons. Inaction amounts to deemed denial.
6. The learned counsel appearing for the private respondent vehemently opposes the writ petition and submits that the same is not maintainable and is liable to be dismissed in limine.
7. It is further submitted that the private respondents are the existing partners of the IOCL retail outlet. The petitioners are attempting to induct himself into the dealership by way of a purported partnership deed 14.12.15.
8. It is submitted that said partnership deed was never executed with the knowledge and consent of the private respondent. The signature, if any are disputed and have been obtained from fraud, coercion or misrepresentation.
9. The mutual rights and duties of the partners are determined by contract between the partners. No partners can be inducted into an existing firm without the unanimous consent of all existing partners. Thus the alleged partnership deed dated 14.12.2015 is void ab initio for want of consent.
10. The learned counsel appearing for the respondent IOCL further submits that it is a settled law that an unregistered partnership deed is valid between the partners, though it

suffers from certain disabilities under Section 69 of the Partnership Act, 1932. Notarization is not a substitute for a registration but adds evidentiary value. Whether IOCL is bound to accept it depends on its own policy and guideline.

11. The learned counsel appearing for the respondents IOCL opposes the writ petition and submits the petitioner have a alternative statutory remedy available before the competent court of law since the issue pertains to interse, dispute between the private parties.
12. It is further submitted that the respondent Nos. 4 and 5 are necessary parties and their consent is required for reconstitution. Any order passed without hearing them would cause prejudice.
13. It is further submitted that the partnership deeds requires verification of credentials of partners NOCS, and compliance with IOCL guidelines. Mere notarization does not make it binding on IOCL. IOCL Dealership guidelines mandate that for reconstitution of a dealership, 'No Objection Certificate' from all existing partners are required. In the instant case, the petitioners have not obtained any NOC from the answering respondents.
14. It is further submitted that the representation dated 13.05.2026 is under active consideration and enquiry has been initiated by issuing a show cause notice to the private respondent dated 18.5.26 and the same has already been responded by way of a reply dated 06.06.2026. A decision shall be taken shortly in accordance with the policy. The two documents dated 18.05.2026 and 06.06.2026 have been

relied upon by the respondent IOCL and the same are kept on record.

15. After hearing the rival contention of the parties and upon perusing the material on record, this court is conscious, that a writ of Mandamus cannot be issued to compel an authority to exercise discretion in a particular manner. However, a writ can be issued to direct an authority to consider and decide a pending representation within a time bound manner. Since the decision of the respondent IOCL is awaiting, to balance the equities, and to ensure that the adjudication is conducted in a fair and time bound manner, for the ends of justice, I direct the respondent IOCL to forthwith take a reasoned decision in accordance with law upon affording opportunity of hearing to the petitioners, the private respondent and other stakeholders if any, preferably within period of four weeks and communicate such decision within a week thereafter.
16. With above observation and direction the writ petition No. WPA 12334 of 2026 stands disposed of without going into the merits of this case.
17. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Smita Das De, J.)