

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

REVIEW APPLICATION (STAMP) NO. 4228 OF 2018
IN
WRIT PETITION NO. 6664 of 2007

Hanuman S/o Radhakisan Joshi,
age 64 years occupation business
R/o Nathnagar Colony, Shevgaon
Taluka Shevgaon District Ahmednagar **...APPLICANT**

VERSUS

1. The Union of India,
Through : Ministry of Petroleum & Natural Gas,
Government of India, Shastri Bhavan,
New Delhi – 110001.
2. Indian Oil Corporation (IBP Division)
Formerly known as the IBP Company Ltd.,
the Company incorporated under the
Indian Companies Act, 1956, having its
registered Office at IBP House, 34/A,
Nirnal Chandra Street, Kolkata – 700013,
West Bengal.
Through its Senior Divisional Manager,
Indian Oil Corporation, Plot No. 99, Jyotinagar,
Aurangabad Taluka and District Aurangabad
...RESPONDENTS

Mr Nikhil S. Jaju, Advocate for applicant.

Mr Anand P. Bhandari, Advocate for respondent No.2.

CORAM : SUNIL P. DESHMUKH, AND
SANGITRAO S. PATIL, JJ.

DATE : 6th April 2018

ORDER :

By consent of the parties, Review Application is taken up for hearing.

2. Learned Counsel for applicant submits that the Hon'ble Supreme Court under its order dated 15th December 2017 has dismissed the Special Leave Petition as withdrawn and in the circumstances, there is no merger of the order of this Court in the order of higher Court. Learned Counsel for applicant has relied on Paragraphs No. 43 and 44 of the Judgment of the Supreme Court in the case of *Kanhayammed and others Vs. State of Kerala and another*, reported in AIR 2000 Supreme Court 2587, particularly, clause (iv) of paragraph No.43. He, therefore, requests that the High Court may hear present application to review order dated 19th September 2017 passed in the Writ Petition.

3. Learned Counsel Mr Bhandari appearing for respondent No.2, however, submits that order passed by the Hon'ble Supreme Court shows that the Hon'ble Supreme Court has on merits considered that no case for interference is made out and thereafter despite request for withdrawal of the Special

Leave Petition with liberty to file Review Application before this Court, the Hon'ble Supreme Court had dismissed the same as withdrawn.

4. In the present matter, it would be plainly seen that the Hon'ble Supreme Court has expressed that it is disinclined to interfere with as no case was made out for the same and, thus, despite seeking liberty, the Hon'ble Supreme Court had acceded to the request made thereunder only to the extent of withdrawal of the special leave petition and does not appear to have indulged into request further to give liberty. In the circumstances, the review is unsustainable and is rejected as such.

(SANGITRAO S. PATIL)
JUDGE.

(SUNIL P. DESHMUKH)
JUDGE.

Madkar