

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION (STAMP) NO.17481 OF 2017
IN
WRIT PETITION NO.2602 OF 2017**

Bharat Petroleum Corporation Ltd.	..Petitioner
Vs.	
Bharti Manoj Changediya	..Respondent

WITH

**CIVIL APPLICATION (STAMP) NO.17483 OF 2017
IN
REVIEW PETITION (STAMP) NO.17481 OF 2017
IN
WRIT PETITION NO.2602 OF 2017**

Bharat Petroleum Corporation Ltd.	.. Applicant
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In the Matter of :

Bharat Petroleum Corporation Ltd.	..Petitioner
Vs.	
Bharti Manoj Changediya	..Respondent

**Mr.S.R. Page for the Review Petitioner/Applicant.
Mr.A.S. Patil for the Respondent.**

**CORAM : R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 18th JUNE, 2018**

P.C.

1 By an order passed today in Civil Application (St) No.17482 of 2017, the delay in filing the above Review Petition has been condoned. With

the consent of the learned counsel for the parties, the above Review Petition is taken up for hearing.

2 By the above Review Petition, the Review Petitioner i.e. Bharat Petroleum Corporation Ltd. seeks review of the order dated 3rd March 2017 passed by a Division Bench of this Court (Coram : V.M. Kanade & P.R. Bora, JJ.). The Review Petition is listed before this Bench as per the extant instructions. The review of the order is sought to the limited extent in as much as the review is sought of the directions contained in the said order which obligates the Review Petitioner to refund the amount of Rs.50,000/- deposited with the Review Petitioner, which has been forfeited by the Review Petitioner i.e. Bharat Petroleum Corporation Ltd. in terms of the terms and conditions.

3 A reading of the said order discloses the reason namely that as a special case, the said refund was ordered. On behalf of the Review Petitioner, it was sought to be contended that the direction to order refund is against the terms and conditions on the basis of which the applications for LPG Distributorship were invited. In our view, since the order passed by the Division Bench has circumscribed the said direction by mentioning the reason that the refund is by way of a special case, we do not find any ground to review the directions contained in the said order. Having regard to the eventualities in which the review jurisdiction can be invoked which is

enunciated in Order 47 of the CPC, we do not deem it appropriate to reconsider the discretion exercised by the Division Bench. Hence no case for review is made out. The Review Petition is accordingly dismissed. We, however, clarify that as observed by the Division Bench in the order under review, the refund would be as a special case and cannot be relied upon in any other case. We expect, the Review Petitioner i.e. the Bharat Petroleum Corporation Ltd., will now honour and comply with the directions as contained in the order by making the payment within four weeks from today.

4 In view of the dismissal of Review Petition, Civil Application (St) No.17483 of 2017 for stay does not survive and the same to accordingly stand disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]