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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12816 OF 2017

Bharat Petroleum Corporation Limited	...Petitioner
V/s.	
The Estate Officer,	
The New India Assurance Co. Ltd. & Anr.	...Respondents

Mr.S.J. Chaurasia with Mr.A.K. Kharwar i/b Ashoka Law Firm for the Petitioner.

Mr.V.Y. Sanglikar for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 1ST FEBRUARY, 2018.

P.C. :-

1. By this petition filed under Article 277 of the Constitution of India, the petitioner has impugned the order dated 9th August, 2017 passed by the Estate Officer rejecting the application filed by the petitioner for framing issues.

2. The petitioner had filed similar application earlier which came to be rejected by the Estate Officer. The said order was impugned by the petitioner in the Writ Petition bearing No.6744 of 2015. By an order dated 14th September, 2015, this Court observed that the apprehension of the petitioner that on the basis of the observations made by the Estate Officer in paragraph 6 of the order

the Estate Officer will not consider an issue of jurisdiction is misplaced. This Court dismissed the said writ petition. This Court clarified that the Estate Officer is duty bound to consider whether it has jurisdiction to hear matter, whether or not, the proceedings under the said Act are summary in nature.

3. A perusal of the order dated 9th August, 2017 indicates that the Estate Officer after adverting to the order passed by this Court on 14th September, 2015 in Writ Petition No.6744 of 2015 has rejected the application filed by the petitioner. In my view, the order dated 14th September, 2015 passed by this Court in Writ Petition No.6744 of 2015 is clear and takes care of the apprehension of the petitioner. No case is thus made out for interference with the impugned order dated 9th August, 2017 passed by the Estate Officer. In the event of the Estate Officer not complying with the directions issued by this Court in the order dated 14th September, 2015 in the final order, the petitioner would have liberty to challenge the said order on that ground.

4. With the aforesaid clarification, the writ petition is dismissed. No order as to costs.

(R.D. DHANUKA, J.)