

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

**REVIEW APPLICATION (CIVIL) NO. 219 OF 2019
IN WP/3168/2018 WITH CA/12641/2019 IN RA/219/2019**

Shivaji Dattatraya Bhangе

.. Applicant

Versus

Bharat Petroleum Corporation Ltd. Through
Its Authorized Signatory and Others

.. Respondents

Mr. K. C. Sant h/f R. R. Sancheti, Advocate for Applicant.

**CORAM : S. V. GANGAPURWALA &
 MANGESH S. PATIL, JJ.**

DATED : 18th OCTOBER, 2019.

PER COURT:-

1. The learned Counsel for the applicant submits that the applicant had filed civil application seeking leave to amend and incorporate the grounds in the memo of the writ petition. This Court passed an order that the civil application would be considered at the time of considering the writ petition. The learned Counsel submits that vide the said civil application the petitioner sought to incorporate the grounds that if the candidate has not committed any mistake, then allotment cannot be cancelled. According to the learned Counsel, this Court in its judgment under review has categorically held that the petitioner was not at fault in making representation. The contentions raised in the Civil Application are not considered in the judgment under review. The learned Counsel submits that the same constitutes an error

apparent on the face of record.

2. We have in the judgment under review held that even as per the application of the petitioner, the residence of the petitioner was at Post Sarni (Sangvi), Taluka Kaij and the application for the retail outlet was for location at Wida. We had observed that the respondent wrongly placed the petitioner in Priority list-1. If the petitioner would have been resident of Wida Grampanchayat, then the case of the petitioner to be placed in Priority list-1 would have been justified. However, it is accepted fact that the petitioner is a resident of Sarni (Sangvi) and not resident of the place of the location of the retail outlet for which the application was sought. It was mistake of the respondent in placing the petitioner in Priority list-1 though the petitioner had represented in the application that he is resident of Sarni. We had observed that even otherwise, the petitioner could not have been placed in Priority list-1. Even if the respondent had committed mistake in placing the petitioner in Priority list-1, the mistake has been corrected by the respondent and the petitioner cannot take the disadvantage of the same.

3. In the light of the above, no case for review is made out. Review application is rejected.

4. The learned Counsel for the applicant, at this stage submits that after delivering the judgment under review, this Court had granted protection to the petitioner for a period of four (04) weeks. Four (04) weeks period came

to an end today. The learned Counsel seeks further protection for a period of (04) weeks.

5. The petitioner did not file review immediately and on the last date the protection was to end has circulated this review. We do not find bonafides on the part of the applicant in protracting the review application till the last date of the protection granted. On merits also the claim of the applicant is negatived. As such, the request of continuation of interim relief is rejected.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.