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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

NOTICE OF MOTION (Lodg.) NO. 58 OF 2019

in

APPEAL (Lodg.) NO. 200 OF 2016

Essar Oil Limited

... Applicant

In the matter between

Essar Oil Limited

... Appellant

V/s.

Oil & Natural Gas Corporation Ltd.

... Respondent

Mr. Vishal Muglikar I/b. Gandhar Gaikwad for the
Applicant/Appellant.

Mr. Aziz Khan a/w. Anagh Pradhan I/b. Divya Shah Associates for
the Respondent.

***CORAM : NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.***

DATE : 20 FEBRUARY 2019.

P.C. :-

The learned Counsel for the Applicant seeks recall of the
order dated 19 December 2018 passed by the Division Bench of this
Court. The Respondents have filed an affidavit-in-reply objecting

This order is corrected vide Speaking to the Minutes of the order dtd. 1 March 2019

the prayer for recalling the order dated 19 December 2018.

2. Though we are inclined to restore the Appeal, we note that the Appeal was admitted on 18 July 2016 and thereafter, the Registry has pointed out that the delay had remained to be condoned. The delay was condoned on 14 January 2019.

3. In these circumstances, we will, for the purpose of the procedure, restore the Appeal to file, recall the order admitting the Appeal, note that the delay has been condoned on 14 January 2019 and thereafter formally admit the Appeal again. Accordingly, the following order :-

(a) The order passed on 19 December 2018 dismissing the Appeal is recalled.

(b) The order admitting the Appeal dated 18 July 2016 is recalled.

(c) Delay in filing the Appeal is condoned.

(d) Appeal is admitted. Hearing is expedited. Both the Appeals i.e. Cross Appeal Obj. Lodg. No. 5 of 2016 and Appeal Lodg. No.200 of 2016 to be heard together.

4. The learned Counsel for the Appellant undertakes to remove all the office objections within a period of three weeks.
5. The Notice of Motion is disposed of accordingly.

N.M. JAMDAR, J.

CHIEF JUSTICE