

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 10677 OF 2024****IN****CIVIL REVISION APPLICATION NO. 538 OF 2023****Bharat Petroleum Corporation Ltd.****....Applicant****V/s.****Dattatray Shankar Taware****....Respondent**

Mr. P. S. Dani, *Senior Advocate i/b Mr. S. R. Page a/w Ms. Ruchi Umrotkar, for the Applicant.*

Mr. S. S. Patwardhan i/b Ms. Mrinal A. Shelar, *for the Respondent.*

CORAM : SANDEEP V. MARNE, J.**Date : 4 SEPTEMBER 2024.****P.C. :**

1) This Interim Application is filed seeking extension of time for vacation of the suit premises. The Application seeks grant of time of three years for vacation of the suit premises i.e. by 28 February 2027.

2) I have heard Mr. Dani the learned senior Advocate appearing for the Applicant and Mr. Patwardhan the learned counsel appearing for Respondent.

3) The Civil Revision Application has been dismissed by this Court on 21 February 2024. It appears that the Applicant first

took a chance before the Executing Court by filing an Application seeking extension of time to vacate the suit premises in three years. By order dated 23 August 2024, the learned Executing Court has already granted time up to 31 December 2024 to vacate the suit premises, subject to the condition of payment of Rs. 5 lakh per month towards interim compensation from the date of Application till handing over of the possession. Further condition imposed by the learned Executing Court is to stop supply of petroleum products to the dealer so as to facilitate initiation of expeditious steps for removal of the fuel station.

4) Mr. Dani would submit that in addition to sale of petrol diesel and all other products, Applicant is also operating a CNG station in the suit premises and takes substantial time to remove the CNG set up and CNG pipeline. He would therefore pray for grant of additional time for vacating the suit premises.

5) Mr. Patwardhan would oppose the Application stating that the order passed by the Executing Court on 23 August 2024 is not challenged by the Applicant and that time till 31 December 2024 is granted in its favour, after consideration of the prayer for grant of extension of time by three years. He would submit that granting any further time by this Court would result in passing of inconsistent orders.

6) The Applicant is already granted time of 31 December 2024 by the Executing Court, which would virtually mean occupation of the suit premises by the Applicant for over 9

months after dismissal of its Civil Revision Application. Period of 9 months in my view, is sufficient for the Applicant to remove it's set up from the suit premises.

7) However, purely by way of indulgence and considering the fact that the Applicant carries out public utility in the form of fuel and CNG station at the suit premises, time up to up 31 March 2025 is granted to the Applicant to vacate the suit premises, subject to the condition of payment of monthly interim compensation of Rs. 5 lakh till 31 March 2025. The Applicant is accordingly directed to vacate the suit premises on or before 31 March 2025. The condition of stopping supply of petroleum products to the dealer imposed by the learned Executing Court would be relaxed. However, it is clarified that the Applicant shall not apply nor shall be granted any further extension of time beyond 31 March 2025 under any circumstances. Therefore, supply of petroleum products to the dealer by the Applicant would be at its own risk and in the event, it is found that the Applicant has failed to vacate the suit premises by 31 March 2025, the Plaintiff would be at liberty to move necessary Application before this Court for initiation of appropriate proceedings against the officials of the Applicant. Accordingly, the Applicant is granted permission to vacate the suit premises on or before 31 March 2025 subject to the above conditions . Interim Application is disposed of.

[SANDEEP V. MARNE, J.]

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