



202
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-296-2023 in

CWP-12149-2020

Date of decision: 29.07.2024

Atma Ram

...Petitioner

VERSUS

Indian Oil Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr.Suryaveer Surjewal, Advocate,
for the review applicant.

Mr. Ashish Kapoor, Advocate and
Mr. M.S. Rana, Advocate,
for respondents No.1 to 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The application has been filed under Order 47 Rule 1 of the Code of Civil Procedure read with Section 151 CPC for review of the judgment dated 08.02.2023 (Annexure A-1).

2. Learned counsel appearing on behalf of the applicant submitted that when the writ petition No.12149 of 2020 was decided on 08.02.2023, then it was decided on the basis of the submissions made by the learned counsel for the respondents that after the cancellation of the site, the same will be re-advertised. He submitted that now a fresh advertisement has been issued by



which the applicant has been debarred even from applying because he does not fall in the category for which the advertisement was issued. He submitted that when the earlier advertisement was issued, then the site which was so mentioned was stated to be village Jhumpa and thereafter, as per the revenue record, it was found that the aforesaid village Jhumpa itself does not exist but only village Jhumpa Kalan and Jhumpa Khurd exist and now it has been re-advertised, they have again used the expression 'Jhumpa' in the advertisement and therefore, a wrong statement was made by the learned counsel for the respondents on the basis of which the writ petition was decided and therefore, the aforesaid judgment may be recalled/reviewed.

3. On the other hand, Mr. Ashish Kapoor, learned counsel appearing on behalf of the respondents No.1 to 3 submitted that when the earlier advertisement was cancelled, the reason for the same has also been so reflected in the judgment itself which would show that it was in order to remove to any confusion or any ambiguity in the advertisement, the same was cancelled at the initial stages only and no right has vested in the applicant/petitioner and it was also stated by the counsel for the respondents No.1 to 3 on instructions that the location will be re-advertised and now a fresh advertisement has been issued in this regard and the applicant instead of assailing the fresh advertisement has filed the present review application which is not maintainable. He submitted that there is no error apparent on the face of the record and therefore, the present review application is not maintainable. He also submitted that the second advertisement has not been finalized as yet.

4. I have heard the learned counsel for the parties.



5. It is a case where when writ petition was decided by this Court, the prayer of the petitioner was that after the advertisement of the petrol pump, the same has been cancelled without any rhyme or reason. However, it was the case of the respondent-Corporation that since in the advertisement the expression village Jhumpa was used, the same led to confusion and ambiguity and that was the reason as to why the advertisement was cancelled and the same was thought to be re-advertised with a new location. This Court also came to the conclusion that since the process was at the initial stages and there was no concluded contract between the parties, no right has been vested in the petitioner since it has not been allotted to anybody

6. Now by way of review application, the applicant has stated that now when a fresh advertisement has issued, again the expression 'Jhumpa' has been used. During the course of arguments, a query was raised to the learned counsel for respondents No.1 to 3 as to why again expression 'Jhumpa' has been used to which he submitted that in the earlier advertisement the expression 'village Jhumpa' was used but village Jhumpa is not in existence as per the revenue record but the place where the location is situated is called 'Jhumpa' and is popularly known as 'Jhumpa' and now in the advertisement the expression 'Jhumpa' has been used and not 'village Jhumpa'.

7. After hearing the learned counsel for the parties, this Court is of the considered view that no apparent error on the face of the record could be seen in the present judgment. In case the applicant has any grievance with regard to the subsequent advertisement, the same could have been challenged by filing a separate petition being an independent cause of action but present review



application is not sustainable because there is no error apparent on the face of the record.

8. Consequently, the present review application is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

29.07.2024
rakesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No