

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A.No.5
IN
CIVIL APPEAL NO.2739 OF 2009

BHARAT PETROLEUM CORP.LTD.& ORS.

.....APPELLANTS

VERSUS

KAMLA NAGAR SERVICE STATION & ORS.

.....RESPONDENTS

O R D E R

This is an application for modification of order dated 22.04.2009 passed in Civil Appeal No.2739 of 2009 by directing the Bharat Petroleum Corporation Ltd. to pay to the applicants (respondents in the civil appeal) price of existing stock of petroleum products including diesel lying in the underground tanks.

The non-applicants have filed separate counter-affidavits. In paragraph 3.1 and 3.3 of the counter affidavit filed on behalf of non-applicant Nos. 1 to 3, it has been stated that the company is prepared to give credit in respect of petroleum products etc. lying in underground tanks after carrying out necessary inspection and tests for determining the quantity and quality of the products.

Learned counsel for the applicant says that his client will be satisfied if the concerned authorities of Bharat Petroleum Corporation Ltd. undertake the exercise of carrying out inspection and testing within a reasonable time.

In view of the above, the application is disposed of with the direction that Bharat Petroleum Corporation Ltd. shall carry out inspection and testing of the petroleum products including diesel lying in the underground tanks of the applicants within a period of one month and, thereafter, give appropriate credit to the applicants.

.....J.
(G.S.SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

NEW DELHI;
JANUARY 18, 2010.
ITEM NO.3

COURT NO.12

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
IA 5/2009 in CIVIL APPEAL NO. 2739 OF 2009

BHARAT PETROLEUM CORP.LTD.& ORS.

Appellant (s)

VERSUS

KAMLA NAGAR SERVICE STATION & ORS.

Respondent(s)

(For modification of Court's Order and office report)

Date: 18/01/2010 This Application/Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. Parijat Sinha, Adv.
Ms.Reshmi Rea Sinha, Adv.
Mr.S.C.Ghosh, Adv.

For Respondent(s) Mr. Jitendra Mohan Sharma, Adv.
Mr.Sandeep Malik, Adv.

Mr.Sandeep Singh, Adv.
Mr. Anuvrat Sharma, Adv.
Ms.Alka Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

The application is disposed of with the direction that Bharat Petroleum Corporation Ltd. shall carry out inspection and testing of the petroleum products including diesel lying in the underground tanks of the applicants within a period of one month and, thereafter, give appropriate credit to the applicants.

(Satish K.Yadav)
Court Master

(Mithlesh Gupta)
Court Master

(Signed order is placed on the file)