

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE CIVIL JURISDICTION

REVIEW PETITION NO.3 OF 2005
IN
FIRST APPEAL NO.989 OF 1988

Pune Bottling Co. Ltd.....Applicant

Versus

Union of India & Ors.....Respondents

Mr. Kiran Nankani with Mr.M.C.Shah, for the Applicants
Mr. R.V. Desai with Mr. Dubey, for the Respondents

CORAM: F.I. REBELLO & Anoop V.Mohta,JJ.
DATE : 27th April, 2005

P.C.:

. This Review is directed against the order of this
Court dated 19th August, 2004 in First Appeal No.989 of 1988.

2. We have heard learned Counsel for the parties. After
hearing and considering the grounds raised we do not find
there is any error apparent which will require review except
to clarify that in view of the statutory right which the
applicant has to move the statutory authorities for refund
they may do so.

. In the light of that the following order:-

(i). Review Application dismissed. However, it will be
open to the Review Applicant to move the Statutory Authorities
for refund. It is for the Authorities to consider the
application and dispose it of according to law. It may be
clarified that Review Applicant had earlier filed an

application for refund. It is that application which should be considered by the authorities subject to whatever contentions the respondents herein may have. If the amount which is directed to be brought in by the Review Applicant pursuant to the order dated 19th August, 2004 along with interest at the rate of 6%, if the review applicant succeeds will be paid back along with interest which has been paid by the Review Applicant.

. If the Respondents apply for restitution in terms of the order of this Court in First Appeal, the trial Court to dispose of the Application within two months after it being filed.

. Review Application disposed of accordingly.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA, J.)