

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4954 of 2014

In

Civil Writ Jurisdiction Case No. 18460 of 2013

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M/s Shiv Motors at Kali Asthan, Sareya Ward No.3, Gopalganj, Distt. Gopalganj through its Proprietor Abhimanyu Kumar Singh, S/o Shri Shivnath Singh, Resident of Kali Asthan, Sareya Ward No.3, Gopalganj, Dist. Gopalganj.

.... Petitioner/s

Versus

1. The State Bank of India Through Its Chairman.
2. The Zonal Manager, State Bank of India, Bihar, Patna.
3. The Regional Manager, State Bank of India, Muzaffarpur.
4. The Chief Manager, State Bank of India Rural, Regional Business Office, Bettiah.
5. The Branch Manager, State Bank of India, Agriculture Development Branch, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan

For the Respondent/s : Mr. Kaushlendra Kumar Sinha
Mr. Sunil Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-05-2015

Heard learned counsel for the parties.

Having regard to the very limited scope of modification of an order in the writ application already disposed of as was held by the Apex Court in the case of *State of U.P. Vs. Brahm Datt Sharma & Anr.* reported in *AIR 1987 SC 943*, this Court will have no difficulty in holding that whatever now is being sought under the name of modification is not permissible.

As a matter of fact, the order passed on 17.10.2014 by this Court in the connected writ petition cannot be modified on the basis of either subsequent amount deposited by the petitioner or

statement of account allegedly made available to the petitioner from the Bank. The petitioner, if it finds that it has made any excess payment, it will be always open for it to get such amount refunded by taking recourse to the settled procedure in law. At the same time it is also made clear that if the petitioner has not paid the amount as per the order of this Court dated 17.10.2014 in C.W.J.C. No. 18460 of 2013, it will be also open for the authorities of the Bank to take action against the petitioner as was directed in the aforesaid order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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