

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No 9 of 2016

IN

LPA 948 of 2011

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M/s Ambuja Electrocasing Ltd., having its factory located at Nasariganj, P.O. Bataganj, P.S. Danapur, District - Patna through its Managing Director, Gopi Krishna Gupta S/o Shri Durga Prasad Gupta R/o Nasariganj, P.O. Bataganj, P.S. Danapur, District - Patna.

.... Petitioner/s

Versus

1. Bihar State Credit And Investment Corporation Ltd., Indira Bhawan (4th Floor), Ram Charitra Singh Path, Patna through its Managing Director, Bihar State Credit and Investment Corporation Ltd., Patna.

2. Sri Deepak Kumar S/o - Not Known R/o Nasariganj, P.O. Bataganj, P.S. Danapur, District - Patna.

.... Respondent/s

WITH

Civil Review No 256 of 2016

IN

LPA 948 of 2011

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M/s Ambuja Electrocasing Ltd

.... Petitioner/s

Versus

Bihar State Credit and Investment Corporation Ltd & Anr

.... Respondent/s

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For the Petitioner/s : Mr A K Jha, Advocate

For the Respondent/s : Mr Nirmal Kumar, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 13-05-2016

IA No 3710 of 2016 has been filed for amendment of
Civil Review No 9 of 2016.

2 For the reasons mentioned in IA No 3710 of 2016,

the amendment, as sought for in Civil Review No 9 of 2016, is allowed.

3 IA No 3710 of 2016 stands disposed of.

4 IA No 3975 of 2016 has been filed in Civil Review No 256 of 2016 for condoning the delay in filing Civil Review No 256 of 2016.

5 For the reasons mentioned in IA No 3975 of 2016, the delay in filing the Civil Review No 256 of 2016 is condoned.

6 IA No 3975 of 2016 stands disposed of.

7 Heard learned counsel for the review petitioner.

8 In our view, we have discussed the entire matter in detail in our order dated 03.09.2015 passed in LPA No 948 of 2011. That order was passed after hearing the learned counsel at length at the stage when the case was listed *For Orders on Petition* instead of hearing it in piecemeal. It is apparent that inspite of the fact that the appellant was aware of another Letters Patent Appeal, which was adversely effective, he took no steps to intervene in that proceeding. He allowed those proceedings to attain finality. We have noticed this fact also in our aforesaid order. Now the appellant has petitioned for review seeking recall of our order passed, which we have already noticed, was passed, because we cannot pass conflicting orders. A Letters Patent Bench cannot sit in appeal over a judgment and order of

another coordinate Letters Patent Bench. The review petitioner's remedy, as we had pointed out after hearing and in his presence, the order having been passed, to move the Apex Court but instead he has chosen to file a review application to create certain facts. We do not approve such acts. The conduct of the appellant, we have already noted, was deliberate. He was knowing of the proceedings, its orders, when it was favourable to him, and then ignoring the proceedings, when gone adverse to him, he wanted to create certain facts. Similar are his efforts now.

9 We find that no ground is made out for review. Both these applications are dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

AFR/NAFR	
CAV DATE	
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