

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1882 of 2010

IN

Civil Writ Jurisdiction Case No. 10375 of 2010

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1. The Life Insurance Corporation of India a Corporate Body of Govt. of India through the Chairman having its head office at 'Yogakshema'. Jeevan Bima Marg, Mumbai
 2. Divisional Office, Life Insurance Corporation of India, Fraser Road, Patna through its Constituted Attorney Sri A.M. Sahay (O.S.), Patna, presently Sri Pramath Nath Das, Manager (Legal), Divisional Office, Fraser Road, Patna-800001

.... Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Finance, Department of Economic Affairs Economic Division, 3rd Floor, Jeevan Vihar, New Delhi
2. National Insurance Co. Ltd., Gaya through Sri Damodar Shethi, Chief Regional Manager and duly Constituted Attorney, National Insurance Co. Ltd. Regional Office, 4th Floor, Sone Bhawan, B.C. Patel Road, Patna, P.O. GPO, P.S. Sachiwalaya-800001

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan Prasad, Advocate
Mr. Amod Kumar, Advocate
For the Respondent/s : Mr. Ashok Priyadarshi, Advocate
Mr. Sanjay Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 30-06-2016

This intra-court appeal is directed against the judgment and order dated 09.07.2010, passed in C.W.J.C. No. 10375 of 2010 (National Insurance Company Ltd. & Anr. Vs. Union of India and others).

Heard Sri Rajeev Ranjan Prasad, learned counsel appearing for the Life Insurance Corporation of India (for short LIC),

who was the main contesting respondent in the writ proceedings and Sri Ashok Priyadarshi, learned counsel for the writ petitioner-respondent and perused the records.

It appears at Fraser Road in the town of Patna there is a big commercial building known as Jeevan Prakash belonging to Life Insurance Corporation of India, 1st Floor thereof appears to have been let out to the writ petitioner National Insurance Company Ltd. Both are statutory Corporations. It seems a dispute arose between the LIC, the landlord and the National Insurance Company Ltd., the tenant, which ultimately led to LIC filing application before the Estate Officer of LIC under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 which was registered as Case No. EO/001/2009. In those proceedings National Insurance Company took a preliminary objection. It referred to the judgment of the Apex Court and the circular of the Central Government pursuant thereto to the effect that where statutory Corporations are in dispute, the dispute should not be taken to Courts or Tribunals and efforts to reconcile them be made through agies of High Powered Committee of the Central Government and, therefore, the Estate Officer is not competent to proceed in the matter till the matter is referred to and decided by the High Powered Central Committee. The Estate Officer by the order impugned in the writ proceedings rejected the plea. That



order was challenged in the writ proceedings in view of the judgment of the Apex Court in the case of Oil & Natural Gas Commission Vs. Collector of Central Excise, since reported in (2004) 6 SCC 437 and other decisions. Learned Single Judge considering the judgments aforesaid was of the view that the eviction proceedings could not be continued without the matter being referred to and considered by the Central High Powered Committee, and, accordingly, set aside the order of the Estate officer. Hence, the appeal by the LIC.

Sri Rajeev Ranjan Prasad appearing for the LIC in this appeal has submitted that the Supreme Court has now recalled all its orders including the order passed in the case of Oil & Natural Gas Commission (supra). By judgment and order passed in the case of Electronics Corporation of India Ltd. Vs. Union of India and others, since reported in (2011) 3 SCC 404 their Lordships noted that effort was made by the Apex Court to settle the matters outside Court when both the parties were Government or statutory Corporation, but it had failed to yield necessary results. We may note that pursuant to the judgment of the Apex Court earlier on this issue the Central Government had also issued certain circulars to effectuate the judgment. In our view, once the Supreme Court itself recalled and vacated all those orders, the circulars issued pursuant to these judgments cannot now enure to the benefit of one or the other.

In view of the aforesaid, we have left with no option but to allow this appeal and set aside the judgment of the learned Single Judge and dismiss the writ petition. The parties would now proceed in accordance with law.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	AFR
CAV DATE	
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