

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.11 of 2016

In

Civil Writ Jurisdiction Case No. 2160 of 2015

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M/s Dheeraj Kumar @ Dheeraj Kumar Singh

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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with

Civil Review No.12 of 2016

IN

Civil Writ Jurisdiction Case No. 2290 of 2015

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Puja Enterprises

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

(In C. REV. No.11 of 2016)

For the Petitioner : Mr. S.S. Dwivedi, Sr. Advocate
Mr. Ravindra Kumar Shukla, Advocate
For the Respondents : Mr. S.D. Sanjay, ASG
Mr. Bijay Kumar Sinha, Advocate

(In C. REV. No.12 of 2016)

For the Petitioner : Mr. S.S. Dwivedi, Sr. Advocate
Mr. Ravindra Kumar Shukla, Advocate
For the Respondents : Mr. S.D. Sanjay, Sr. Advocate,
Mr. Rakesh Kumar Sinha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 15-01-2016 Heard the parties.

These applications have been filed for review of the order dated 06.10.2015 passed in C.W.J.C. No. 2160 of 2015 and other analogous matters.

Admittedly, the contract was given to M/s Balan Naturals Food (Private) Limited by the Railways. Petitioners



claim that there was a contract between the petitioners and M/s Balan Naturals Food (Private) Limited for running the KIOSKS. In the meantime, the petitioners came to know that M/s Balan Naturals Food (Private) Limited had given a contract to some other organization, i.e., M/s SAM @ Shyam Caterer for running the KIOSKS. Thus, they approached this Court by filing connected writ petitions. The matter was heard in detail and was ultimately not pressed by the petitioners.

It appears from the order sought to be reviewed that on oral undertaking given by the Additional Solicitor General of India on instruction that the decision has already been taken that extension would be given to M/s B. Naturals allowing to run the KIOSKS either till the finalization of the new contract or 16.01.2016, whichever is earlier, the petitioners did not press their respective writ petitions.

Now in review applications, a point is being raised that the petitioners have deposited the licence fee till 31.01.2016, therefore, they should be allowed to remain there either till new contract is given to someone or till 31.01.2016.

It is submitted that vide Annexure 8 that contract was extended by the Railways till 31.01.2016, however, in view of this Court's order dated 06.10.2015, they are asking the

petitioners to vacate the KIOSKS.

Learned Additional Solicitor General submits that there is no contract between the Railways and the petitioners. The contract admittedly was given to the M/s Balan Naturals Food (Private) Limited which has not prayed for any extension of time. In fact, M/s Balan Naturals Food (Private) Limited had already written to the Railways vide letter dated 18.11.2015 to immediately terminate the contracts of the M/s Balan Naturals Food (Private) Limited, with immediate effect. Secondly, though the licence fee was paid by the petitioners but that does not mean that they have entered into contract as they have paid licence fee only on behalf of the party to the contract. It is next contended that the petitioners on their own volition accepted the undertaking given by the Railways and, thereafter, they did not press their writ applications, therefore, the review applications cannot be maintained by them.

I find force in the submission of learned Additional Solicitor General as it is quite clear from the order passed by this Court in the connected writ petitions that there was a proposal to continue with the petitioners either till the finalization of the new contract or 16.01.2016, whichever is earlier. That was accepted by the petitioners and, as such, they did not press their respective

writ petitions. The order under review was passed on 06.10.2015 but review is being sought belatedly.

Having regard to the facts and circumstances of the case, in my view, there is no scope of review of the order under review as the petitioners did not press their respective writ petitions on their own volition.

Accordingly, these review applications are dismissed.

(Dr. Ravi Ranjan, J)

SC/-

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