

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.404 of 2014

- =====
1. The Bihar State Electricity Board through its Secretary, Now Bihar Power (Holding) Company Limited, Patna through its Chairman-cum- Managing Director Vidyut Bhawan, Bailey Road, Patna.
 2. The Secretary, Now D.G.M. (HR & Adm.) Bihar State Electricity Board Now Chairman-cum-Managing Director Bihar State Power Holding Company Patna.
 3. The Member Administration Now General Manager (HR & Adm), Bihar State Electricity Board, now Bihar State Power (Holding) Company Ltd, Patna.
 4. The Chairman , Bihar State Electricity Board, now Chairman-cum-Managing Director Bihar State Power (Holding) Company Ltd, Patna.

.... Petitioners

Versus

Thakur Rabindra Kumar , son of Late Thakur Jagdish Chandra, at present residing Vastu Ganga Colony Gola Road, P.S. Danapur, District- Patna.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Vinay Kirti Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

4. **07-12-2016** Office has pointed out that the review application filed for review of an order passed under Clause 10 of the Letters Patent, arising from an order of learned Single Judge in a writ petition under Article 226 of the Constitution, should be filed under Section 114 of the Civil Procedure Code read with Order XLVII Rule 1 thereof. The office report is misconceived and wrong in law inasmuch as explanation to Section 141 of the Civil Procedure Code clearly excluded application of Civil



Procedure Code to proceeding under Article 226 of the Constitution. Clause 10 of the Letters Patent is nothing but a continuation proceeding under Article 226 of the Constitution.

Thus, the office report of defect is rejected as unfounded.

Heard Sri Vinay Kirti Singh, learned Senior counsel for the review petitioner, the Bihar State Electricity Board, now Bihar Power Holding Company Limited.

Having heard Sri Vinay Kirti Singh, learned Senior counsel for the review petitioner, if the Board/Authority is aggrieved by the decision of the Court, the proper remedy, in our view, would be an appeal. There cannot be substantive rehearing in the matter.

This review application is, thus, misconceived and dismissed as such.

(Navaniti Prasad Singh, J.)

(Ashwani Kumar Singh, J.)

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