

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3242 of 2015

In
LPA 1517 of 2014

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Sun Biotechnology Ltd.

.... Petitioner/s

Versus

The Bihar State Financial Corporation & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the opposite party Nos.1 and 2: Mr. Y. V. Giri, Sr. Advocate

Mr. Ashish Giri, Advocate

For the opposite party No.3 : Mr. Shivendra Roy, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

9 26-08-2016 Heard Mr. Suraj Samdarshi, learned Counsel for the petitioner, and Mr. Ashish Giri, learned Counsel for the respondent Nos.1 and 2. Heard also Mr. Shivendra Roy, learned Counsel for the respondent No.3.

By making this application, the applicant, who was appellant in L.P.A. No. 1517 of 2014, has sought for clarification/modification of the observations made by this Court, while disposing of the appeal, along with L.P.A. No. 756 of 2014, by the judgment and order, dated 15.09.2015, in paragraph 35 and 36. The observations, made at paragraphs 35 and 36 are as follows:

“35. Be that as it may, Mr. Y.V.Giri, learned Senior Counsel, submits that the BSFC has offered a proposal that it is still willing to settle the

outstanding issues with the auction purchaser, namely, Sun Biotechnology Limited, on payment of 18.72 crores, at such rate of interest as had been offered by the BSFC at the time of negotiation of OTS.

36. To the submissions so made, no objection has been raised by anyone.”

It has been submitted, on behalf of the applicant, that in their counter affidavit, though it is stated that the applicant has been offered by the BSFC, at the time of negotiation, to make payment of Rs. 18.72 crores along with interest, the applicant had already offered only Rs.3.91 crores along with interest and hence, the expression, in paragraph 35, which has been reproduced hereinabove, may be corrected accordingly.

To the submissions so made, no objection has been raised by the opposite party.

In view of the above and in the interest of justice, it is hereby directed that the judgment and order, dated 15.09.2015, passed in LPA No.1517 of 2014 along with L.P.A. No. 756 of 2014, shall stand corrected in the light of the submissions, which have been made by the parties.

With the above correction and modification in paragraph Nos. 35 and 36 of the judgment and order, dated 15.09.2015, passed in LPA No.1517 of 2014 along with L.P.A. No. 756 of

2014, this application shall stand disposed of.

(I.A. Ansari,CJ)

(Samarendra Pratap Singh, J)

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