

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1617 of 2016

In
Civil Writ Jurisdiction Case No.17287 of 2011

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1. The Bharat Coking Coal Limited, through its Chairman-cum-Managing Director, Koyla Bhawan, Koyla Nagar, Dhanbad, Jharkhand
2. The General Manager, Bharat Coking Coal Limited Koyla Bhawan, Koyla Nagar, Dhanbad, Jharkhand

... .. Appellant/s

Versus

1. M/s Bihar Fuel Industries, having its Head Office at Barun Industrial Area, at and P.O. - Barun, District – Aurangabad, Bihar through its partner Sri Krishna Sharma, son of late Ram Ratan Sharma, resident of Pani Tanki, Dehri-on-sone, P.S. - Dehri, District – Rohtas, Sasaram, Bihar
2. The Branch Manager, Central Bank of India, Aurangabad Branch, District – Aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishwa Mohan Kumar Sinha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

8 25-06-2018 Heard learned counsel for the appellant as well as
counsel for the private-respondent.

The Court is informed that the order under challenge, dated 14.07.2016, passed by the Learned Single Judge, was based on the rational and reasoning, which was provided by the Learned Single Judge in C.W.J.C. No. 565 of 2012.

The order passed in C.W.J.C. No. 565 of 2012 was assailed by the Coal India in L.P.A. No. 288 of 2016. The same was heard by a Division Bench, decided by Hon'ble the Chief



Justice and allowed vide order, dated 25.04.2017. The Division Bench set aside the matter and remanded the matter back for consideration by the Learned Single Judge.

If the basis for passing the impugned order, dated 14.07.2016 is knocked out by interfering with the order of C.W.J.C. No. 565 of 2012 in L.P.A. No. 288 of 2016, there is no reason why the present order under challenge in the present appeal should also stand.

The appeal is allowed.

The impugned order, dated 14.07.2016, passed in C.W.J.C. No. 17287 of 2011, is set aside. The matter is remanded back to the Learned Single Judge for consideration keeping in mind what the Division Bench has had to say in L.P.A. No. 288 of 2016.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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