

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.446 of 2017

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Sanjay Kumar Jaiswal, Son of Late Kokendra Prasad Jaiswal, resident of
Gulab Bagh, Chandan Nagar, P.S. Sadar, District - Purnea, Proprietor Manish
Mini Rice Mill Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna
3. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The Deputy Chief (Claim), Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate Mrs. Arti Kumari, Advocate
For the State	:	Mr. S. Raja Ahmad, AAG-5
For B.S.F.C.	:	Mr. Sanjay Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-01-2018

Even though there is a delay of about 2 years, 5
months and 20 days in filing of this review application, we find



that recently in a large number of cases, L.P.As. and Civil Review applications, identical in nature, have been allowed and that is one of the reasons which prompted the applicant to file this review application and it is stated that he came to know recently about such orders being passed and brings to our notice an order passed on 19.5.2017 by a Co-ordinate Bench of this Court in Civil Review No. 202/2017 in support of his contention that the review application be allowed.

Taking note of the aforesaid and the fact that in a large number of cases, similar applications have been allowed and certain relief granted to the applicants, we see no reason to deny similar benefit to the petitioner only on account of delay in filing of the application.

Accordingly, the application is allowed. Delay in filing of the application is condoned. I.A. No. 8071 of 2017 stands allowed and disposed of.

Having heard learned counsel for the parties at length and keeping in view the identical orders passed in Civil Review No. 150/15 and various other cases, this application is allowed. The order passed in L.P.A. No. 407 of 2015 on 17.4.2015 is reviewed and the operative part of the judgment with regard to payment of balance amount of certificate



proceedings are modified and this review application is disposed of in identical terms as are contained in the order dated 23.8.2016 passed in Civil Review No. 150 of 2015.

To that extent the order passed on 17.04.2015 in L.P.A. No. 407 of 2015 stands modified and reviewed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.01.2018
Transmission Date	

