

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL REVIEW No.10 of 2019

In

Civil Writ Jurisdiction Case No.14833 of 2015

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Bihar State Cooperative Marketing Union Ltd. in short,BISCOMAUN (Bihar and Jharkhand),having its Office at Biscomaun Bhawan,West Gandhi Maidan,P.S. Gandhi Maidan,Patna 800001,Town and Dist.-Patna,through its Managing Director. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary,Govt. of Bihar,Patna
2. The Finance Commissioner, Govt. of Bihar,Patna
3. The Principal Secretary, Cooperative Department,Govt. of Bihar,Patna
4. The Registrar, Cooperative Societies, Bihar,Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashish Giri

For the Opposite Party/s : Mr.Raj Ballabh Prasad Yadav Aag 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 29-11-2019 Heard learned counsel for the petitioner and the

learned counsel for the respondents.

Present review application has been filed against

the order passed in C.W.J.C. 14833 of 2015.

The petitioner has prayed for the following

relief in C.W.J.C. No. 14833 of 2015:-

“That, the present Writ Application
is for issuance of a Writ/Order or direction
commanding and directing the respondent
authorities to pay a sum of Rs. 1,



79,36,21,272/- (One hundred Seventy Nine Crores, Thirty Six Lakhs, Twenty one thousand, two hundred seventy two) to the BISCOMAUN, during long period of supersession for about 15 years (From August-1988 to May, 2003) of the Board of Directors of BISCOMAUN, by an early date for better Management of BISCOMAUN and for overcoming financial crunch and/or for any other relief/reliefs for which the petitioner is entitled for in the facts and circumstances of the case.”

Para-6 of the impugned order reads as under:

“Now, so far the reliefs sought in Civil Writ Jurisdiction Case No. 14833 of 2015 is concerned it is filed by the BISCOMAUN claiming Rs, 1,79,36,21,272/- by way of loss/compensation alleging inter alia that because of the mismanagement of the Administrator for the period from August, 1988 to 22nd May, 2003 and during the period of supersession of the BISCOMAUN, the State is liable to pay/compensate the same to the BISCOMAUN. However, it is required to be noted and even it can be seen from the order passed by the Division Bench of this Court in the case of Administrator, BISCOMAUN (supra) that because of the mismanagement by the elected body of the



BISCOMAUN and the BISCOMAUN was thus running into loss, the State Government was compelled to pass an order of supersession. Even the activities of the BISCOMAUN had virtually come to a grinding halt. Thereafter, as such pursuant to the order passed by the Division Bench of this Court, in fact, the Administrator was appointed. The Division Bench in the aforesaid order also observed that the affairs of the BISCOMAUN were being run on the style of deficit financing. The BISCOMAUN has lost its income and its management until the Administrator appointed by the High court was a free for all affair.

Learned counsel points out that observation that because of mismanagement of the elected body of the BISCOMAUN and the BISCOMAUN running in loss, the State Government was compelled to pass the order of supersession, is not based on cogent material.

Well, having given our thoughtful consideration, we are not inclined to interfere with the impugned order, save and except that the expression 'because of the mismanagement of the elected body of the BISCOMAUN' shall be treated to be deleted.

On the other issues in our considered view, there



is no mistake or error apparent on the face of record, which could persuade this Court to review its judgment. We do not find any reason to interfere with the well considered judgment rendered by a Co-ordinate Bench of this Court. In our considered view, there is neither any mistake nor error apparent on the face of record or sufficient reason so as to take in its sweep, a ground analogous to those specified in the statutory provisions. There is no material error, manifest on the face of the order, undermining its soundness or resulting into miscarriage of justice. Review is not an appeal in disguise entitling the party to be reheard, simply because the party wants a decision to be otherwise.

Keeping in view the principles laid down in **Kamlesh Verma Versus Mayawati and others, (2013) 8 SCC 320** and **Medical Council of India Versus Christian Medical College, Vellore and Ors 2016 (4) SCC 342.**

The review application is allowed to the aforesaid extent.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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