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REV. APLO Nos.12 and 13 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

REV. APLC Nos.12 and 13 of 2021

in

A.Nos. 1748 and 1749 of 2021

1.M/s.Oil and Natural Gas Corporation Ltd.,
Deenadayalurja Bhavan,
5, Nelson Mandela Road, Vasanthkunj,
New Delhi, through its Executive Director-Assset Mananger,
Cauvery Asset, Nervy, Karaikal-609 604.

2.M/s.Oil and Natural Gas Corporation Ltd.,
Rep. by General Manager (Production),
In-charge Marketing,
Cauvery Asset, Nervy, Karaikal.

... Petitioners
(in both applications)

-Vs-

1.Sri Venkatramana Papers Mills Pvt Ltd.,
Rep by its Director S.Kadarkarai,
No.15, Sree Vatsa Square, MTP Road,
Thudiyalur, Coimbatore-641 034.

2.Tamil Nad Mercantile Bank Ltd.,
Rep. by the Chief Manager,
Thiruvanmiyur Branch,



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Thiruvananthapuram, Chennai.

... Respondents
(in both applications)

Common Prayer : Review Applications filed under Order XIV Rule 8 of the O.S.Rules r/w Section 114 r/w Order XLVII Rule 1 &2 of Code of Civil Procedure, 1908, to review the orders in the A.Nos.1748 and 1749 of 2020 dated 17.02.2021.

For Petitioners : Mr.Giridhar And Sai
(in both applications)

For Respondents : Mr.C.R.Prasannan
(in both applications)

COMMON ORDER

The above review applications have been filed on the following six grounds:-

1.Petitioner now learnt that Respondent owes huge money to its lead bank,, SARFAESI law invoked and entire assets brought to sale; hence urgency to proceed with arbitration

2.Order bars seeking interim measures; there is



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an need to seek interim measures to secure petitioner interest

and underlying public interest

3. Another OEC involving Respondent under prior agreement is now terminated for non-cooperation

4. No right to OEC and its decision is not binding; either party can terminate any time; given circumstance, petitioner needs to proceed with arbitration

5. Owing to Covid-19, Petitioner's administrative offices remained shut; Given above new facts/circumstances order needs to be reviewed

6. Order dated 17.02.2021 as modified by order dated 08.03.2021 to be reviewed and petitioner be permitted to invoke arbitration and seek interim measures

2. All of these grounds are events that have happened post the orders dated 17.02.2021 passed in A.Nos.1748 and 1749 of 2021. Order XLVII of the Code of Civil Procedure provides the procedure for reviewing the judgment or order. Order XLVII Rule 1 reads as follows:-



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1.Application for review of judgment;- (1) Any person considering himself aggrieved

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the applicant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

3.The grounds set out in paragraph No.1 will not fall under the



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category of (A) discovery of new and important matters or evidence which, after the exercise of due diligence was not within the knowledge of the petitioner or could not be produced by him at the time when the decree or order was made or (B) on account of some mistake or error apparent on the face of record or (C) for any other sufficient reason. Therefore, the petitioners have not made out any ground for reviewing the orders, dated 17.02.2021.

4.In the result, these Review Applications are dismissed. No costs.

23.12.2021

Index :Yes/No

Internet :Yes/No

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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