

16.09.2022
KC(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)

R.V.W. 98 of 2022
R.G. Scientific Enterprises Private Limited
-versus-
Emami Foundation
In
F.M.A.T. 564 of 2021

Mr. Srijib Chakraborty,
Mr. Amritam Mandal,
Mr. Rohit Banerjee,
Mr. Aditya Mondal.....For the review applicant/
respondent.

Mr. Debnath Ghosh,
Mr. Sushorit Dutt Majumder,
Ms. Pubali Sinha Chowdhury,
Mr. Dwarka Nath Chattopadhyay...For the respondent/
appellant.

The judgment and order of which review is sought
was made by us on 17th May, 2022. This application for
review is sought to be moved today.

By that judgment and order the applicant was
directed to provide security of Rs. 6 crores deposited in
two branches of Rs. 3 crores each by 15th June, 2022
and 15th August, 2022 with the Joint Receivers
appointed in the order. The said officers were directed to
invest the amount in a term deposit with the State Bank
of India, Kolkata High Court Special Branch. There was
a default clause, which permitted the Joint Receivers to
take immediate possession of the demised premises.

Admittedly, no deposit has been made by the applicant in terms of the said order.

In support of this review application Mr. Chakraborty, learned advocate tried to canvass various points which concern the merits of the matter. For example, he submitted that the court had no basis to order a deposit of Rs. 6 crores. He also tried to submit that the court had no power to direct the Joint Receivers to take possession of the demised premises.

In our opinion these are not the grounds available in a review application under Order XLVII Rule 1 of the Code of Civil Procedure. These, if at all, may be the grounds of appeal to a higher court, which proceeding the applicant has not preferred.

The principle is that a particular court after disposal of a matter is not allowed to reopen the case and to substitute one view for another or keep on making modifications of its own order. Once the matter is finally disposed of it is final and binding on the parties as well as on the court unless the limited grounds under Order XLVII Rule 1 of the Code or instances of fraud or gross mis-representation are brought to the notice of the court.

Now, at this point of time, Mr. Chakraborty submits on instruction that his client is willing to deposit Rs. 6 crores with the Joint Receivers within ten days.

In exercise of our power to implement our order, we accede to such prayer by granting the review applicant time till 29th September, 2022 to make the deposit of Rs. 6 crores, as directed by our order dated 17th May, 2022, which the Joint Receivers shall accept and take steps in terms of our said order. We clarify that save and except the date of making the deposit of Rs. 6 crores, our order dated 17th May, 2022 remains unaltered.

The review application (R.V.W. 98 of 2022) is disposed of.

(I.P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)