

15.12.2022

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RVW 188 of 2022
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IA No.: CAN 1 of 2022
+
IA No.: CAN 2 of 2022

State Bank of India
- Versus -
West Bengal State Electricity Distribution Co. Ltd. & Anr.

Mr. Biswajit Sau
... for the Petitioner/Appellant.
Mr. Madhusudan Saha Roy
... for the Respondent No.1.

Aggrieved by the order dated 15th July, 2022 passed in the appeal, being FMA 1362 of 2017, the petitioner/appellant has preferred the present review application, being RVW 188 of 2022.

As we have invited Mr. Sau, learned advocate appearing for petitioner to advance his argument on merits of the review application, we condone the delay in preferring the same.

Accordingly, the application for condonation of delay, being IA No.: CAN 1 of 2022 is disposed of.

Mr. Sau argues that though the bank guarantee was invoked pertaining to the dues of energy bills for the months of February, 2013, March, 2013 and April, 2013, the dues pertaining to the month of February, 2013 was paid during pendency of the proceedings but such fact does not stand incorporated in the order

impugned and as such, the present application has been preferred.

Such argument of Mr. Sau is totally misconceived inasmuch as the respondent no.1 itself had admitted in its affidavit-in-reply that payment in respect of energy bill for the month of February, 2013 has already been received and such fact has been recorded in the order impugned.

Furthermore, Dr. Saha Roy, learned advocate appearing for the respondent no.1 submits that subsequent to dismissal of the appeal, a memo dated 10th November, 2022 has been issued by the Chief Engineer (Commercial) West Bengal State Electricity Distribution Company Limited pertaining to invocation of Letter of Credit dated 19th March, 2012 wherein it had categorically been stated as follows:

‘However the Outstanding dues claimed by WBSEDCL within the period of validity of the Letter of Credit dtd 19.03.2012 amounts to Rs1,89,26,752/- (Rupees One crore eighty nine lacks, twenty six thousand seven hundred and fifty two only) i.e. bill of March 2013 of Rs.93,40,191 and bill of April 2013 of Rs.95,86,561/- respectively.’

Let the said memo dated 10th November, 2022, as produced, be kept on record.

In view thereof, no interference is called for in the review application.

Accordingly, the review application and the connected application being CAN 2 of 2022 are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Raja Basu Chowdhury J.) (Tapabrata Chakraborty, J.)