

ORDER

OD-1

IN THE HIGH COURT AT CALCUTTA
ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

RVWO/6/2022
AP/374/2020
IA NO: GA/1/2022; GA/2/2022

M/S. HINDUSTAN BUILDERS
VERSUS
IRCON INTERNATIONAL LTD.

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA

DATE : 26TH APRIL, 2022

APPEARANCE:

Mr. Sauvik Nandy, Advocate
...for the applicant
Mr. Raghunath Ghose, Advocate
Ms. Sebanti Roy, Advocate
...for the respondent

The Court:- There is a delay of 24 days in filing the review petition. Hence, GA/1/2022 has been filed seeking condonation of delay. After hearing the learned counsel for the parties and on perusing the application, I am satisfied that the delay has been sufficiently explained and hence a ground is made out to condone the same. Accordingly, GA/1/2022 is allowed and delay in filing the review petition is condoned.

Heard on merit. This review petition has been filed by the applicant in AP No.374 of 2020 which has been dismissed by this court by order dated 28.1.2022.

The review has been sought on the limited ground that this Court while dismissing AP No.374 of 2020 had placed reliance upon the judgment of the Hon'ble Supreme Court in the case of *United India Insurance Company Limited vs. Antique Art Exports Private Limited*, reported in (2019) 5 SCC 362

but the said judgment was overruled by the subsequent judgment of the Hon'ble Supreme Court in the matter of *Mayavati Trading Private Limited vs. Pradyut Deb Burman*, reported in (2019) 8 SCC 714.

Paragraph 11 of the judgment in the case of *Mayavati (Supra)* clearly states that the judgment in the case of *Antique Art Export (Supra)* was overruled as it did not lay down the correct law.

In the order dated 28.1.2022 this Court had placed reliance upon the judgement of the Hon'ble Supreme Court in the matter of *Antique Art Export (Supra)*. Judgment in the case of *Mayavati (Supra)* was not brought to the notice of the Court when the order under review dated 28.1.2022 was passed, hence an error apparent on the face of the record has been crept, which furnishes a ground for review/recall of the order.

Having regard to the aforesaid, the review petition is allowed and the order dated 28.1.2022 passed in AP No.374 of 2020 is recalled. AP No.374 of 2020 is restored to its original position with direction to list the same expeditiously before the appropriate Bench as per roster.

(PRAKASH SHRIVASTAVA, C.J.)