

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RA-CW-19-2022

Reserved on 13.05.2022.

Date of Decision: 31.05.2022

M/S. PALS ALLOYS AND METAL INDIA PVT. LTD. AND OTHERS

.....Petitioners

V/s.

ALLAHABAD BANK AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO

HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ajay Kalra, Advocate and
Mr. Diwan Sharma, Advocate
for the review-applicant (Respondent No.2).

M.S. RAMACHANDRA RAO, J.

This Review Application has been filed seeking review of the judgment dt. 23.12.2021 in CWP No.6402 of 2019.

The review applicant in the Review Application is Lakhwinder Singh- respondent No.2 in the Writ Petition.

While allowing the Writ Petition on 23.12.2021, the following directions had been issued:-

- “ii) Subject to the petitioners paying the entire balance outstanding dues with applicable interest to the 1st respondent-Bank within four weeks from today, the 1st respondent-Bank shall close the loan account of the petitioners and restore possession of their residential property to them; No costs.
- (iii) If not, this Writ Petition shall stand dismissed with costs of ₹25,000/- without reference to this Court;
- (iv) In the event the petitioners comply with Clause (ii) above, the amount deposited by the respondents No.2 and 3 with the 1st respondent-Bank be refunded to them with interest rate @7% per annum from the respective dates of deposit till date of

refund; and such refund shall be made within one week of the petitioners' complying with Clause (ii) above."

It is pointed out by the review-applicant that respondent No.2 in the RA i.e., respondent No.1 in the Writ Petition i.e the Allahabad Bank had been merged with the Indian Bank w.e.f. 15.02.2022, and after merger, all the branches of the Allahabad Bank are now named as Indian Bank and this fact had not been noticed at the time when the Writ Petition was allowed on 23.12.2021.

This fact was not disputed by the counsel for respondent No.1/Writ Petitioner or counsel for the respondent No.2.

The other contention raised in this Review Application is that this Court vide the said order dt. 23.12.2021 while refunding the amount deposited by the review applicant-respondent No.2, it had only granted interest @7% per annum on the amount of ₹3,12,00,000/- from the date of deposit till the date of refund.

Counsel for the review-applicant contends that there are decisions of the Supreme Court and other High Courts making the Banks pay higher rates of interest at commercial rate and this Court should have granted the same to the review applicant as well.

We may point out that when the Writ Petition was heard, no such contention has been advanced by the counsel for respondent No.2, applicant herein.

In the case of **Collector of 24 Parganas and Others Vs Lalit Mohan Mullick & Others**¹, the Supreme Court held that a ground which had been not raised before the Court when the Appeal/Writ was heard on

¹ 1988 Supp SCC 578

merits, could not be taken into consideration for the purpose of the Review Application. This was also reiterated in the case of **Nehali Panjiyara and Others Vs Shyama Devi and Others²**.

Having regard to the above settled legal position, we decline to entertain this Review Application since a point/argument which was not argued at the time when the matter was initially heard and decided is now sought to be raised in the Review Application.

Accordingly, this Review Application stands dismissed. No costs.

(M.S. RAMACHANDRA RAO)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

May 31, 2022
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>
<i>Whether Reportable</i>	:	<i>Yes</i>

² 2002 (1) SCC 578