

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1344 of 2010

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1. Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
 2. The Financial Controller (Revenue) Bihar State Electricity Board, Bailey Road, P.S.- Kotwali, Town and Distt.- Patna

... .. Appellant/s

Versus

1. M/S Gini Engineering Corpn. appearing through its proprietor, Md. Ghyasuddin, S/O Late Md. Zahir R/O Mangaldeep Apartment, Gosain Tola, P.S.- Patliputra Colony, Town and Distt.- Patna
2. The Electrical Executive Engineer (Supply) Patliputra Electric Supply Division, Boring Road, Town and Distt.- Patna

... .. Respondent/s

with
Miscellaneous Jurisdiction Case No. 1044 of 2020
In
Civil Writ Jurisdiction Case No.1344 of 2010

1. Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna.
2. The Financial Controller (Revenue), Bihar State Electricity Board, Bailey Road, Police Station-Kotwali, Town and District-Patna.

... .. Petitioner/s

Versus

1. M/s Gini Engineering Corporation appearing through its proprietor, Md. Ghyasuddin, Son of Late Md. Zahir, resident of Mangaldeep Apartment, Gosaini Tola, Police Station-Patliputra Colony, Town and District-Patna.
2. The Electrical Executive Engineer (Supply) Patliputra Electric Supply Division, Boring Road, Town and District-Patna.

... .. Opposite Party/s

Appearance :

(In Letters Patent Appeal No. 1344 of 2010)

For the Appellant/s : Mr. Vinay Kirti Singh, Advocate

For the Respondent/s : Mr.

(In Miscellaneous Jurisdiction Case No. 1044 of 2020)

For the Petitioner/s : Mr. Akhileshwar Singh, Advocate

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 27-02-2023 Matter is of the year 2010 and it was dismissed for non-compliance of office objections. Such dismissal is dated 25.06.2018. L.P.A was listed on 24.02.2020 and it was noticed that there was a non-compliance of peremptory order. Thereafter, on 05.03.2020 M.J.C was filed. M.J.C. No. 1044 of 2020 is also pending consideration for these many years.

Learned counsel for the appellant submitted that due to Covid 19, the matter of M.J.C. could not be moved. Covid-19 period could be taken note of with reference to date from 20.03.2020 till 28.02.2022. Even thereafter the appellant failed to move before this Court relating to listing of M.J.C. No. 1044 of 2020. Further, it is to be noted that the earlier period from 25.06.2018 till filing of M.J.C. on 05.03.2020, there is dearth of explanation. The explanation given in M.J.C. is at para 7.

Para 7 reads as under:-

“That it is stated that the delay caused in non compliance of the earlier order is neither intentional nor deliberate and this Hon’ble court may be pleased to allow this application and restore the L.P.A. No. 1344 to its original file and direct the Office to issue Notice to Respondent No.1.”

Perusal of Para 7 it is evident that dates and events have not been indicated or revealed in M.J.C. so as to condone



the delay. In fact, they should have been separate application for condonation of delay in recalling the order dated 25.06.2018. Such application is also not forthcoming.

In view of these facts and circumstances, M.J.C. No. 1044 of 2020 stands rejected as petitioner has not made out a case to recall the order dated 25.06.2018 passed in L.P.A. No. 1344 of 2010.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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