

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1156 of 2019

In

Civil Writ Jurisdiction Case No.11083 of 2016

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M/s Surendra Prasad Singh through its partner Surendra Prasad Singh aged about 62 years (male) son of Late Ram Sagar Singh, resident of Mohalla Sarvodaya Nagar, Police Station- Town, District- Begusarai.

... .. Appellant/s

Versus

1. The Union of India through Secretary Ministry of Rural Development (Pradhan Manti Gram Sandak Yojana), Govt. of India, New Delhi.
2. The Chief Engineer (EZ-II) Central Public Works Department, 6th Floor Pant Bhawan, Baily Road, Patna.
3. The Executive Engineer, Pradhan Manti Gram Sandak Yojana Project Division, Muzaffarpur at Patna Central Division-II, C.P.W.D., Pant Bhawan Bailey Road, Patna.
4. The Executive Engineer, Pradhan Manti Gram Sandak Yojana Project Division, Darbhanga, C.P.W.D., 6th Floor Pant Bhawan Baily Road, Patna.
5. The Executive Engineer, Pradhan Manti Gram Sandak Yojana Project Division Samastipur, C.P.W.D. 6th Floor Pant Bhawan, Baily Road, Patna.
6. The Chief Regional Manager, United India Insurance Company Ltd. 5th Floor Chanakya Complex, R-Block, Patna.
7. The Branch Manager, United India Insurance Company Ltd. Branch Office Begusarai, Kapasiya Chowk, P.O. Barauni Refinery Township District- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Aditya Narayan Singh, Advocate Mr. Kundan Kumar Sinha, Advocate
For the UOI	:	Dr. K.N.Singh, ASG
For the Respondent nos.6 & 7:	:	Mr. Durgesh Kumar Singh, Advocate Mr. Abhijeet Kumar Singh, Advocate Mr. Ritesh Kumar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 21-07-2023 1. The appellant is before this Court challenging a

common judgment in CWJC no.10667 of 2016 and the CWJC



no.11083 of 2016. The impugned judgment herein shows that both the writ applications were raising common questions for consideration regarding the rate of interest to be paid to the petitioner on the basis of an insurance claim. The learned Single Judge dismissed the writ petitions finding that the bank rate as specified in the claim document is the prevalent Bank rate which each Bank would have discretion to specify under Section 49 of the Reserve Bank of India Act. An LPA was filed from CWJC no.10667 of 2016 which was dismissed by another co-ordinate Bench by judgment dated 23.08.2021. The judgment of the learned Single Judge was approved. However, a calculation sheet was directed to be given within 30 days. In effect, the judgment in the other writ petition is now sought to be challenged by the present LPA. The common issues having been raised before the learned Single Judge, there is no question of fresh consideration of the issues raised which have already been considered and disposed of in LPA no.1144 of 2019 arising from CWJC no.10667 of 2016.

2. At this stage, the learned counsel for the respondent Insurance Company also produced before us a letter dated 02.11.2021 wherein the learned counsel for the petitioner had written to the Insurance Company, on behalf of the appellant,



that if the entire amounts as directed in LPA no.1144 of 2019 is paid, he would withdraw this appeal also. This appeal has been filed contrary to the understanding made before the Bank. We enquired with the counsel whether he had written such a letter on behalf of the appellant, which he accepts.

3. In the circumstances, we do not find any reason to entertain the appeal and the same is dismissed in the same terms of LPA no.1144 of 2019.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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