

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

**(1) CM-4757-CI-2023 in/and
RA-RF-268-2023 in RFA-COM-25-2018
Decided on : 13.10.2023**

Oriental Bank of Commerce (Now Punjab National Bank)
.....Applicant-review/appellant
Versus
HSBC BankRespondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present: Mr.Harsh Garg, Advocate for the applicant-review/appellant.
Mr.Devmani Bansal, Advocate, for the respondent.

G.S. Sandhawalia, J. (Oral)

1. The present review application has been filed for reviewing the order dated 01.09.2023 whereby in CM-33-FRCOM-2023, this Court had directed the applicant-appellant to release the amount deposited by way of FDR to the account of the respondent. The said order reads as under:

“CM-33-RFCOM-2023 in RFA-COM-25-2018

Application has been filed for release of the amount in favour of the applicant-respondent which was deposited by the appellants with this Court in pursuance of the order dated 17.09.2018. It has been averred in the application that a sum of Rs.3,34,71,422.20 has been deposited by way of FDR bearing No.08863121000081 with the Registrar (Judicial) of this Court

The appeal has been dismissed on 22.02.2023 and therefore, the amount is liable to be remitted to the applicant-respondent/HSBC Amanah Malaysia Berhad. It is further averred that the applicant-respondent is a foreign bank and holding an account with the HSBC Bank, the details of which are as under:

Account Holder Name: HSBC REMS TRANSFER A/C

Account No.: 002-910610-001

Branch Address: MG Road Fort Mumbai

IFSC Code: HSBC0400002

Notice of the application.

Mr. Harsh Garg accepts notice on behalf of the non-applicant/appellant.

Keeping in view the fact that the appeal has been dismissed way-back on 22.02.2023 and though the appellant has allegedly filed SLP but there is no stay in favour of the appellant. Thus, we deem it fit to direct the appellant-Bank to deposit the above-said amount with the respondent-Bank in the account as mentioned above, maintained with the HSBC Bank, within a period of 2 weeks. Thereafter, it is open to the respondent-Bank to take the original FDR from the Registrar (Judicial) after showing the proof of the amount having been remitted, so that the account is duly adjusted.

CM stands disposed of.”

2. It has now been brought to our notice that SLP (Civil) Diary No(s) 25771/2023 has been filed against the present appeal which was listed on 25.09.2023 and the Apex Court passed the following order:

“Delay in re-filing condoned.

Issue notice, returnable in the month of February 2024.

It is stated by the learned counsel appearing on behalf of the petitioner that the petitioner-Oriental Bank of Commerce has deposited the decree amount but the same has not been released.

At the request of the learned counsel appearing on behalf of the petitioner, we are staying the execution or release of decree amount. We clarify that in case the present special leave petition is dismissed, the liability of the petitioner-Oriental Bank of Commerce to pay the interest, notwithstanding the deposit made, will continue till the next date of vacation of the stay order.”

3. Counsel for the applicant-review/appellant could not inform us whether the subsequent order dated 01.09.2023 which is sought to be recalled was brought to the notice of the Apex Court or not. Since the matter is already before the Apex Court, we do not find any ground for reviewing our earlier order dated 01.09.2023 which was only passed on the application filed by the respondent-Bank as a necessary corollary.

4. Accordingly, in view of the above, the present review application stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

13.10.2023
Sailesh

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No