

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.408 of 2018

In
Civil Writ Jurisdiction Case No.15495 of 2012

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M/s Mandal Plastics Industries S/o Late Deo Prasad Mandal Village - Janipur,
P.S. - Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

1. The Bihar State Financial Corporation and Ors
2. The Chairman-cum-Managing Director, Bihar State Financial Corporation
Fraser Road, P.S.Kotwali Town
3. The Specified Authority cum Managing Director, Bihar State Financial
Corporation Fraser Road, P.S.
4. The Branch Manager, Bihar State Financial Corporation, Patna.
5. Dharmendra Kumar S/o Late Dwarika Prasad South Chandmari Road, Near
Pani Tanki, Road No. 02, Patna - 20.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Jayaswal, Adv.

For the Opposite Party/s : Mr. Raju Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 17-04-2025 Heard the parties.

2. The present application has been filed:

*to review the final order dated
13.08.2018 passed in CWJC No. 15495 of
2012 by Hon'ble Mr. Justice Vikash Jain by
which the said writ petition has been
disposed-off. The ground for review in this
petition is on the basis of error of law
apparent on the face of the order under
review.*

3. The petitioner formed through its partner, Ajay
Kumar preferred CWJC No. 15495 of 2012 and the prayer read



as follows:

(i) That this petition is for the issuance of a writ of Mandamus and/or any other appropriate writ, order or direction to Respondent no.3 to decide case No. 14 of 2002 filed before it by BSFC U/s 32G of the SFC Act in which despite final argument on 25.9.2008, that is, four years ago, no final order has been passed on the point of 'amount due' to the BSFC by this petitioner;

(ii) that this petition is also for the issuance of appropriate writ, order or direction to quash annexures 3,6 and 7 annexed in this writ-petition, as well as the sale-deed executed by Respondent no.4 in favour of Respondent no.5 some times in between the Issuance of Annexure-5 and 6.

4. The counter affidavit came to be filed whereafter the writ Court (Hon'ble Mr. Justice Vikash Jain as his lordship then was) took up the matter on 13.08.2018 and disposed it of by a reasoned order. It is important to incorporate paragraphs 8 to 12 which read as follow:

8. Having regard to the stand of the respondent-Corporation, the proceeding under Section 32(G) of the Act, validity of which has been challenged by the petitioner on grounds of the inordinate period of its pendency, is hereby quashed, with liberty to



the Corporation to institute fresh proceeding under Section 32(G) of the Act as and when the occasion so arises. Prayer No. 1(a) as substituted by I.A. No. 4926 of 2018 stands allowed as above.

9. Considering the stand of the respondent that the auction sale has failed, the prayer no. 1(b) and 1(c) has become infructuous and is accordingly rejected.

10. As regards prayer no. 1(d) added through I.A. No. 7807 of 2012, the petitioner shall be at liberty to approach the respondent Corporation with a representation for settling its dues in order that the physical possession of the unit may be restored to the petitioner. The Corporation shall furnish the statement of account up-to-date to the petitioner and any other details as the petitioner may reasonably require, without undue delay.

11. It is made clear that the petitioner shall be at liberty to raise all points in the representation, in which event the representation shall be disposed of by a speaking order after grant of opportunity of hearing to the petitioner in accordance with law.

12. The writ petition stands disposed.

(BOLD BY THIS COURT)



5. A perusal of the order would show that not only the proceeding initiated by the respondent-Corporation under Section 32(G) of the State Financial Corporations Act, 1951 (henceforth, for short 'the Act') was quashed, the petitioner was also granted liberty to approach the respondent- Corporation for settling its dues and further allowed it to raise all the points in the said representation which was to be disposed of by a speaking order after granting opportunity of hearing to him in accordance with law.

6. Instead of taking cue from the order of the Writ Court, the present review petition has been filed. The stands taken in the review petition is that once the Court quashed the proceeding under Section 32(G) of 'the Act', there was no reason to direct the petitioner to approach the respondents afresh by filing any representation allowing them to pass another order and as such, the said part be reviewed.

7. Learned counsel for the petitioner submits that for twenty years, they took no decision and in that background, the Court was justified in quashing the proceeding initiated by the respondents. However, it should not have given liberty to 'the Corporation' to initiate the proceeding afresh if situation so arise and/or to direct it to file a proper representation to settle the



grievance. In that backdrop, the review petition has to be allowed.

8. Mr. Raju Giri represents 'the Corporation' and according to him, a perusal of paragraphs 8 to 12 would show that not only the order was passed in his favor by quashing the proceeding under Section 32(G) of 'the Act', he was asked to represent his case and raise all the points that the petitioner had in his bag/ This coupled with the fact that opportunity of hearing was also granted to him so that 'the Corporation' could come to a conclusion and pass necessary order. Instead, and only to circumvent the entire process and/or with an intention not to pay the legible due which 'the Corporation' is entitled to, the review petition.

9. He submits that it is a frivolous petition filed only to frustrate the payment that 'the Corporation' is entitled to, in that background, is fit to be dismissed with cost.

10. Having gone through the facts of the case as also the submissions of the parties, this Court has no reason to differ with the order passed by the Writ Court. As rightly pointed out by Mr. Raju Giri, not only the proceeding which was continuing for years was quashed, a positive order was passed in favour of the petitioner that he should file a proper representation before



the respondent authorities and raise all the points that he has, so that they could arrive at a decision. Instead of approaching them till date, as informed by Mr. Raju Giri, the review petition.

11. Accordingly, the conduct of the review petitioner shows that he does not want to settle the issue and in that backdrop, the Court comes to the only conclusion; it is fit to be dismissed with cost.

12. Accordingly, the petition stands dismissed with a cost of Rs. 2,000/- to be deposited with the Patna High Court Legal Services Committee and the receipt has to be filed in the office in next two weeks. Failure to do so, appropriate steps shall be taken for realization of the amount in accordance with law.

(Rajiv Roy, J)

Vijay Singh/-

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