

11-03-2026
ct no. 10
Sl. 114
RP

WPA 15507 of 2010
With
CAN 1/2023

Pranab Kr. Bisoi
-Versus-

Union of India & Ors..

Mr. Abhijit Roy

...for the petitioner

Mr. Smarajit Roychowdhury

...for the UOI/HPCL

1. Heard the parties through their respective
Counsels.

2. The petitioner has filed a CAN application
connected to a writ petition which has already
been disposed of vide order dated 26.09.2023
praying, inter alia, for the following reliefs:-

*“(a)To make necessary modification in the order dated
26th September, 2023 passed by His Lordship The
Hon’ble Justice Bibek Chaudhuri in WPA No. 15507 of
2010 (Pranab Kumar Bisoi Vs. Union of India & Ors.) as
per statement made in paragraphs 31 herein above;*

*(b) Such further order/orders as Your Lordship may deem
fit and proper.”*

3. The learned Counsel appearing for the
respondent submits that an application cannot
be entertained and the Court become *functus
officio* to entertain such application connected to
any application. In this context the learned
Counsel relies upon a Judgment in the case of
***Ajay Kr Jain vs. State of Uttar Pradesh (WP
429/2020)*** reported in **2024 INSC 958**. It has

been further held by this Court sitting in a Division Bench with the Hon'ble Chief Justice in the case of **MAT 687 of 2018 with CAN 3 of 2025 Tamal Chatterjee and another vs. State of West Bengal and others with FMA 720 of 2019** which is reproduced below:

"5. In view of the above we find that the issues raised in the present application were specifically argued and adjudicated upon during the final hearing of the appeal. Under Section 11 of the Code of Civil Procedure (CPC), the principle of the Res Judicata applies. Since the matter has already been decided on merits, the parties are debarred from re-agitating the same issues under the modification. This application is an attempt to seek a "second innings" on matters already settled.

6. The applicant has filed this instant application by invoking the inherent powers of this Court and Section 152 of the CPC. It is a well settled proposition of law that once a judgment is signed and pronounced, the Court becomes "Functus Officio" as held in Dwaraka Das v. State of M.P. (1999) 3, SCC 500, that the power of rectification is strictly limited to clerical or arithmetical mistakes. It cannot be used to introduce new relief or alter the substantive findings of the Court. Since the changes sought here are 3 substantive, this Court lacks the jurisdiction to entertain them under Section 152.

7. The present application is effectively a "disguised review." Under Order 47 Rule 1, a review is only maintainable if there is a discovery of new evidence or an "error apparent on the face of the record."

8. In another case it is well established in the case of Jayalakshmi Coelho v. Oswald Joseph Coelho (2001) 4 SCC 181, it has been a correction can only be made if the written order fails to represent the Court's actual intent. In this case, the original order accurately reflects the judicial intent of this Court at the time of pronouncement. Any disagreement the Applicant has with that intent must be addressed through a formal Appeal to a higher forum, not a modification application.

9. In view of the above we find that this application is an abuse of the process of law seeking to circumvent the standard procedures of Review or Appeal."

4. The learned Counsel for the petitioner submits to withdraw the instant writ petition and wishes to file afresh by bringing the subsequent events on records since a new cause of action has arisen after disposal of the said writ petition WPA 15507 of 2010.
5. Let the CAN 1 of 2026 be dismissed as withdrawn and liberty to file afresh.
6. Affidavit-in-opposition filed by the respondent be kept along with the affidavit-in-reply filed by the petitioner.

(Smita Das De, J.)