
(2022) 11 OHC CK 0131

In the Orissa High Court

Case No : Writ Petition (C) No. 9656 Of 2022

Kalinga Institute Of Mining Engineering And Technology, Angul	APPELLANT
Vs	
State Of Odisha And Others	RESPONDENT

Date of Decision : 16-11-2022

Acts Referred:

Citation : (2022) 11 OHC CK 0131

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Amit Prasad Bose, A. K. Mishra

Final Decision : Dismissed

Judgement

Arindam Sinha, J

1. Mr. Bose, learned advocate appears on behalf of applicant, who is petitioner in the writ petition, still pending. He submits, in spite of direction made in paragraph 3 of order dated 27th September, 2022, the bank has not made available indemnity bond format.

2. Mr. Mishra, learned advocate appears on behalf of the bank and submits, his client has also filed I.A. no.13857 of 2022 praying for modification of said order dated 27th September, 2022.

3. This Bench lost assignment over the writ petition on and from 26th October, 2022. The applications have been listed since the bank has applied for modification of order dated 27th September, 2022, made by this Bench.

4. Text of order dated 27th September, 2022 is reproduced below.

"1. Mr. Bose, learned advocate appears on behalf of petitioner. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and submits, he has been requested by learned advocate engaged by the bank to pray for adjournment.

2. Mr. Bose refers to order dated 25th April, 2022 and points out that on direction for issuance of notice, consideration of his client's interim application was pended to returnable date. Notice has been served. He submits further, prayer in the interim application is to direct the bank to provide indemnity bond format to his client, to furnish indemnity for issuance of duplicate Short Term Deposit Receipts (STDRs).

3. Petitioner or its duly authorised representative in that behalf will approach the bank and communicate this order along with application for issuance indemnity bond format. The bank is directed to furnish the format on compliance with requisites.

4. The I.A. is disposed of.

5. List on 12th October, 2022."

Prayer made in the modification application is reproduced below.

"It is therefore prayed that your Lordships would be graciously pleased to allow this petition with an observation that if the petitioner will succeed he will approach the Bank as per the order dt.27.9.2022.

And for which act of kindness, the Petitioner as in duty bound shall every pray."

5. On reading together the prayer and direction made in said order dated 27th September, 2022, there is recollection that in another writ petition there was direction by this Bench, upon the bank, to issue indemnity bond format to applicant /writ petitioner for obtaining duplicate Short Term Deposit Receipts (STDRs). On query from Court, Mr. Bose submits, the writ petition was W.P.(C) no.24149 of 2021, disposed of on by order dated 17th October, 2022.

6. The modification application is dismissed.

7. The other application along with the writ petition is released from the list, to be placed before the Bench presently having assignment over them.

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