

Item NO.32

M.A. No.2463/2005

O.A. No.960/2003

09.01.2005

Present : Shri Madhav Panikkar, learned counsel for applicants in MA (original respondents).

MA 2463/2005

It is a Miscellaneous Application filed by the respondents for correction of the order dated 5.11.2004 passed in MA 1571/2004. The aforesaid Miscellaneous Application was filed in OA 960/2003, which has already been disposed of on merits by order dated 1.2.2005.

2. The Miscellaneous Application was filed by the official respondents for impleading the CBI as respondent in the OA, which was heard and decided in presence of the parties on 5.11.2004. The prayer of the official respondents that the CBI be impleaded in the OA was rejected.

3. The present Miscellaneous Application was filed for correcting the factual error. It is pointed out that in the first paragraph of the order dated 5.11.2004, it has not been correctly stated that 'CBI raided the office of the respondent and recovered the money' and in the last paragraph of the second page again it has not been correctly mentioned that 'during investigation had taken into possession some money' and 'The amount has been recovered by the CBI in a raid in the office of the respondents and is in custody'.

4. It is submitted that the said Miscellaneous Application was decided without reply from the side of the original applicant in the OA. Anyway, if there was any factual error in the order, it ought to have been pointed out when it was dictated. Moreover, factual error does not have any bearing on the end result and that even otherwise OA has already been disposed of. Above all, even if it was not correctly mentioned in the order that the

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CBI had conducted the raid and it has recovered some money and was in custody, the order of this Tribunal dated 5.11.2004 does not call for any review. If a question about it is raised, the same may be decided in the appropriate proceedings or before the appropriate forum. The present Miscellaneous Application is accordingly dismissed.


(N.D. DAYAL)
MEMBER (A)


(M.A. KHAN)
VICE CHAIRMAN (J)

/ravi/