

**2022 LiveLaw (SC) 771**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
B.R. GAVAI; J., PAMIDIGHANTAM SRI NARASIMHA; J.  
AUGUST 17, 2022**

**GHANASHYAM MISHRA AND SONS PRIVATE LIMITED**

**vs.**

**EDELWEISS ASSET RECONSTRUCTION COMPANY LIMITED & ORS.**

**Practice and Procedure - Growing tendency of indirectly seeking review of the orders by filing applications either seeking modification or clarification of the orders - A total abuse of process of law - The valuable time of Court is spent in deciding such applications which time would otherwise be utilized for attending litigations of the litigants who are waiting in the corridors of justice for decades together - 10 Lakhs costs imposed on each applicants. (Para 4-6)**

M.A.NO.1166 OF 2021 (IA No.76416/2021 - FOR CLARIFICATION) IN CIVIL APPEAL NO.8129 OF 2019 WITH IA No.52435/2022 (FOR INTERVENTION) IN M.A.NO.1166 OF 2021 INCIVIL APPEAL NO.8129 OF 2019

*For Petitioner(s) Dr. A.M.Singhvi, Sr. Adv. Mr. Mahesh Agarwal, Adv. Mr. Abhijeet Sinha, Adv. Mr. Himanshu Satija, Adv. Mr. Nidhiram Sharma, Adv. Mr. E. C. Agrawala, AOR Mr. Vikas Singh, Sr. Adv. Ms. Harsh Lata, AOR Ms. Priyanka Khosla, Adv.*

*For Respondent(s) Mr. C.S.Vaidyanathan, Sr. Adv. No.1/Applicant(s) Mr. Rakesh Dwivedi, Sr. Adv. Mr. Sanjay Bhatt, Adv. Mr. Rabin Majumder, AOR Mr. Akansha Sriuvastava, Adv. Mr. Soayib Qureshi, AOR Mr. Vikas Singh, Sr. Adv. Ms. Harsh Lata, AOR Ms. Priyanka Khosla, Adv.*

**ORDER**

**1.** IA No. 76416/2021 (M.A. No.1166 of 2021) has been filed by respondent No.1 for clarification of the judgment and order dated 13<sup>th</sup> April 2021 passed in Civil Appeal No. 8129 of 2019, praying therein to clarify that this Court, in the said judgment and order dated 13<sup>th</sup> April 2021, has not dealt with the aspect of security of pledge of shares with EARC having been arbitrarily and illegally wiped out in the Resolution Plan and invocation/non-invocation of pledge of shares by EARC. It is further prayed in the said application that this Court should not only expunge the observations made by the National Company Law Tribunal in common order dated 22nd June, 2018 as found in paragraphs 104 and 105 of the said judgment and order dated 13th April, 2021 of this Court in Civil Appeal No.8129 of 2019, but should also direct the National Company Law Appellate Tribunal to not be influenced by the said observations while deciding Review Application No.17 of 2019.

**2.** IA No.52435/2022 has been filed on behalf of Adhunik Power and Natural Resources Ltd., seeking intervention to support the application for clarification filed by respondent No.1.

**3.** We have heard Mr. C.S.Vaidyanathan, learned Senior Counsel appearing on behalf of the applicant/respondent No.1- Edelweiss Asset Reconstruction Company (EARC) in M.A. No. 1166 of 2021, Mr. Vikas Singh, learned Senior Counsel appearing on behalf of the applicant in IA No. 52435/2022, and Dr. Abhishek Manu Singhvi, learned Senior Counsel appearing on behalf of the original appellant.

4. Having heard learned senior counsel for the parties and having perused the relevant materials placed on record, we are of the considered view that the present applications are nothing else but an attempt to seek review of the judgment and order passed by this Court on 13<sup>th</sup> April 2021 under the garb of miscellaneous application.
5. We find that there is a growing tendency of indirectly seeking review of the orders of this Court by filing applications either seeking modification or clarification of the orders passed by this Court.
6. In our view, such applications are a total abuse of process of law. The valuable time of Court is spent in deciding such applications which time would otherwise be utilized for attending litigations of the litigants who are waiting in the corridors of justice for decades together.
7. The applications are therefore dismissed with cost of Rs.10,00,000/- (Rupees ten lakhs) each to be paid by the applicants within four weeks from the date of this order. The cost of Rs.10,00,000/- imposed on the applicant in M.A. No. 1166 of 2021 shall be deposited in the Supreme Court Advocates-on-Record Association Welfare Fund (SCAORAWF) (Account No.02070110092378 and IFSC Code - UCBA0000207) and the cost of Rs.10,00,000/- imposed on the applicant in I.A. No.52435 of 2022 shall be deposited with the Supreme Court Bar Association Advocates Welfare Fund (Account No.02070110049617 and IFSC Code UCBA0000207).
8. We, however, clarify that our observations are restricted to the present applications only and they would not affect the proceedings before appropriate forums, if the applicants are entitled to any remedy before any other forum(s) in accordance with law.
9. Miscellaneous Application as well as I.A. for intervention stand disposed of.

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