

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

Rev. Petn. (J2) No. 1 of 2025

**(Ref:- Arising out of impugned Judgment dated 16-01-2025
passed in CRP(CRP Art. 227) No. 36 of 2024)**

The Chief Engineer, Public Works Department (including NH &
NEC), Imphal, Ground Floor – North Block, PWD Complex,
Khoyathong, Imphal, Manipur – 795001.

... Review Petitioner

-Versus-

M/S Keystone Infra Private Limited, No. 8-2-338/6, Road
No. 3, Panchavati Colony, Banjara Hills, Hyderabad – 500034,
Telengana

... Respondent

-AND-

IN THE MATTER OF:

IN CRP (CRP Art. 227) NO. 36 Of 2024

The Chief Engineer, Public Works Department (including ND &
NEC), Imphal, Ground Floor – North Block, PWD, Complex,
Khoyathong, Imphal, Manipur – 795001.

... Petitioner

-Versus-

M/s Keystone Infra Private Limited, No. 8-2-338/6, Road
No. 3, Panchavati Colony, Banjara Hills, Hyderabad – 500034,
Telengana.

... Respondent

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	::	Mr. M. Rarry, Senior Advocate asstd. by Mr. M. Nikita, Advocate
For the respondents	::	Mr. H.S. Paonam, Sr. Advocated asstd. by Mr. Purvesh Buttan, Advocate
Date of hearing	::	26-08-2025
Date of judgment & order	::	28-08-2025

J U D G M E N T

[1] Heard Mr. M. Rarry, learned senior counsel assisted by Ms. M. Nikita, learned counsel appearing for the petitioner and Mr. H.S. Paonam, learned senior counsel assisted by Mr. Purvesh Buttan, learned counsel appearing for the respondent.

The present review petition has been filed assailing the judgment dated 16-01-2025 passed by this court in CRP (CRP Art. 227) No. 36 of 2025.

[2] The factual matrix, in a nutshell, are that the present petitioner filed an Arbitration Petition before the District Judge, Imphal West, for setting aside the arbitral Award dated 20-02-2023 passed by the Tribunal. An application, registered as Judl. Misc . Case No. 37 of 2023, was also filed under Section 34(3) of the Arbitration and Conciliation Act, 1996 praying for entertaining the said accompanying Arbitration Petition. During the pendency of the said Judl. Misc. Case, the present petitioner filed another Judl. Misc. Case No. 45 of 2023 with a prayer for permitting the petitioner to amend the condonation application, i.e., Judl. Misc. Case No.

37 of 2023. The said amendment application was allowed by the District Judge, Imphal West (**'Trial Court', for short**) by an order dated 08-01-2024 subject to payment of cost of ₹ 10,000/- and directing the petitioner to file a recast application after due incorporation.

[3] The respondent herein also filed an application registered as Judl. Misc. Case No. 32 of 2024 before the Trial Court with a prayer for permitting the respondent to amend the pleadings in the reply filed in connection with the aforesaid condonation application filed by the petitioner. The said amendment was allowed by the Trial Court by passing an order dated 25-07-2024 subject to payment of cost of ₹. 10,000/- with the direction to file a new recast reply after incorporating the proposed amendment. Feeling aggrieved, the present petitioner filed a revision petition registered as CRP (CRP Art. 227) No. 36 of 2024 before this court challenging the order dated 25-07-2024 passed by the Trial Court in Judl. Misc. Case No. 32 of 2024 allowing the amendment of the reply/ written statement filed by the respondent in connection with the aforesaid condonation application filed by the petitioner.

After hearing both the parties at length, this court dismissed the aforesaid revision petition filed by the present petitioner and declining to interfere with the impugned order passed by the Trial Court. The present review petition has been filed by the petitioner assailing the said judgment passed by this court.

[4] The only ground raised by the petitioner in challenging the judgment passed by this court is that only about six days prior to

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announcement of the judgment by this court on 16-01-2025, the Hon'ble Supreme Court passed a judgment on 10-01-2025 in the case of **"My Preferred Transformation & Hospitality Private Limited & anr. Vs. Faridabad Implements Private Limited"** reported in (2025) SCC OnLine SC 70 wherein the Hon'ble Supreme Court have calculated the starting date of limitation period prescribed for filing a petition under Section 34(3) of the Arbitration and Conciliation Act, 1996 to be from the date of receipt of the signed hard copy of the Award and not from the date of supplying the soft copy by e-mail on the date of passing the Award thereby negating the contention raised by the respondent that sending a scanned copy of the Award by e-mail on the date of passing the Award itself is sufficient for calculating the starting point of limitation period.

[5] Mr. M. Rarry, learned senior counsel submitted at length that had the aforesaid judgment rendered by the Hon'ble Apex Court been produced and considered by this court, the ultimate decision of this court would have been otherwise and this court would never have passed the impugned judgment and the revision petition filed by the petitioner would have been allowed only on the sole ground that the proposed amendment sought for by the respondent is not at all necessary in view of the judgment rendered by the Hon'ble Apex Court in the case of **My Preferred Transformation and Hospitality Private Limited (supra)**.

It has also been submitted by Mr. M. Rarry, learned senior counsel that as the contention of the respondent that sending a scanned copy of the Award by e-mail on the date of passing the Award itself is

sufficient for calculating the starting point of limitation period have been negated by the Hon'ble Apex Court, the entire reasoning and the basis of accepting the plea and the argument of the respondent by this court is a mistake or error committed in the decision making process and that if the mistake or error committed in the decision making process of passing the impugned judgment is not corrected and is permitted to stand, the same will lead to failure of justice. The learned counsel, accordingly, prays for allowing the review petition and to hear the revision petition filed by the petitioner afresh after quashing and setting aside the impugned order passed by this court. In support of his contention, the learned senior counsel cited the judgment rendered by the Hon'ble Apex Court in the case of **"S. Murali Sudaram Vs. Jothibai Kanan & ors."** reported in **(2023) 13 SCC 515** wherein it has been held at para 17 as under:-

"17. After considering a catena of decisions on exercise of review powers and principles relating to exercise of review jurisdiction under Order 47 Rule 1 CPC this Court had summed up as under: (Perry Kansagra case, SCC pp. 768-69, para 15.1)

"15.1. '33. ... " ... (i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the face of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.

(v) *An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit." (As observed in: Inderchand Jain v. Motilal, (2009) 14 SCC 663, p. 675, para 33)"*

It is further observed in the said decision that an error which is required to be detected by a process of reasoning can hardly be said to be an error on the face of the record."

[6] I have heard at length the submission advanced by Mr. M. Rarry, learned senior counsel appearing for the petitioner, however, this court is not inclined to accept the contention advanced by the learned senior counsel for the following reasons:-

- (i) The revision petition filed by the petitioner, which was registered as CRP (CRP Art. 227) No. 36 of 2024, was against the judgment passed by the Trial Court allowing the application filed by the respondent seeking for amendment of the written statement/ reply filed in connection with the condonation application filed by the petitioner. Therefore, the issue raised before this court in the said revision petition was only about the legality or validity or correctness of the judgment passed by the Trial Court in allowing the amendment sought for by the respondent and this court cannot consider and decide the issue of starting point of computing the period of limitation. It is only for the Trial Court to decide such issue in the condonation application filed by the present petitioner which was pending before the Trial Court; and
- (ii) In the Additional affidavit filed by the petitioner dated 22-08-2025 in connection with the present review petition, an order dated

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04-07-2025 passed by the Trial Court in Judl. Misc. Case No. 37 of 2023 is enclosed as Annexure - P/11. On perusal of the said order, it is found that the condonation application filed by the petitioner had already been dismissed by the Trial Court by refusing to condone the delay. Against the said order dated 04-07-2025 passed by the Trial Court, the petitioner had already filed an appeal registered as Arbitration Appeal No. 1 of 2025 and the same is pending in this court for consideration. In my considered view the ground raised by the petitioner in this review petition can be urged before the Appellate Court at the time of deciding the Appeal filed by the petitioner. In view of the above, this court is of the considered view that no purpose will be served in entertaining the present review petition.

[7] In the result, this court does not find any ground or reason for entertaining the present review petition and accordingly, the same is hereby dismissed. However, without any order as to cost.

JUDGE

FR / NFR

Devananda