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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 309 of 2026

Bhagwati Verma S/o Chowa Ram Verma Aged About 68 Years R/o Village Kandul, Sunder Nagar Raipur District Raipur Chhattisgarh

... **Petitioner(s)**

versus

1 - Employees Provident Fund Organization, Through Commissioner, Regional Office, Block-D, Scheme-32, Indira Gandhi Commercial Complex, Pandri, Raipur, District Raipur Chhattisgarh

2 - Chhattisgarh Stae Co-Operative Dairy Federation Through Its Managing Director, Urla, Post B M Y Charouda, District Durg Chhattisgarh

3 - Additional Central Provident Fund Commissioner (M P C G) Employees Provident Fund Organisation, Zonal Office - Bhavishya Nidhi Bhawan, 59 Arera Hill, Bhopal, District Bhopal M.P.

.. **Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner(s) : Mr. Basant Kaiwartya, Advocate along with Mr. Shyamta Prasad Sannat, Advocate.

For Respondent No. : Mr. Sunil Pillai, Advocate.

1 and 3.

Hon'ble Shri Naresh Kumar Chandravanshi, Judge

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ravindra Kumar Agrawal, J.

16/10/2026

1. This review petition has been filed by the review petitioner for reviewing of the order dated 20.07.2026 passed by this Court in

Writ Appeal No.578 of 2026 (Bhagwati Verma Vs. Employees Provident Fund Organization & Others), whereby the writ appeal filed by the review petitioner has been dismissed in the light of order dated 23.06.2026 passed by this Court in **Writ Appeal No.516 of 2026 (R.K. Chalisgaonkar Vs. Employees Provident Fund Organization & Others)**.

2. Learned counsel for the review petitioner would submit that after passing of the order dated 20.07.2026 in Writ Appeal No.578 of 2026, another order has been passed by this Court on 21.07.2026, whereby Writ Appeal No.505 of 2026 (**Central Board of Trustees, Employees Provident Fund Vs. Prakash Bhalachandra Keskar & Others**), along with batch of writ appeals preferred by the Central Board of Trustees, Employees Provident Fund, has been dismissed. He would submit that the ratio laid down by the Hon'ble Supreme Court in **Employees Provident Fund Organization & Anr. Vs. Sunil Kumar B. & Others** reported in **2023(12) SCC 701**, has wrongly been applied in the case of the review petitioner, whereas the judgment rendered by the Hon'ble Supreme Court in **R.C. Gupta & Others Vs. Regional Provident Fund Commissioner**, reported in **(2018) 14 SCC 809**, is squarely applicable to the facts of the present case. The said judgment has also been considered by this Court while deciding Writ Appeal No.505 of 2026 and batch of writ appeals.

3. Learned counsel would further submit that the review petitioner retired in March, 2014 and opted for the Employees' Pension Scheme (EPS) pursuant to the subsequent Circular dated 23.03.2017 issued by the Employees' Provident Fund Organization, Ministry of Labour and Employment, Government of India. Therefore, the ratio laid down by the Hon'ble Supreme Court in **R.C. Gupta (supra)** is squarely applicable to his case. He would also pray that, in view of the conflicting decisions, the matter may be referred to a larger Bench so as to settle the issue and avoid conflicting decisions, particularly in matters affecting the pensionary rights and benefits of retired employees.
4. It is further submitted that the case of the present review petitioner was decided on the basis of the order dated 23.06.2026 passed in Writ Appeal No.516 of 2026, which was itself decided by applying the ratio laid down in **R.C. Gupta (supra)**. Thus, according to learned counsel, conflicting views have been taken by this Court in two different writ appeals on the same issue. In such circumstances, the order dated 20.07.2026 passed in Writ Appeal No.578 of 2026 deserves to be reviewed and recalled, and the matter may be heard on its merits, as the issue involved present writ appeals having wide impact on the pensionary benefits of retired employees.
5. On the other hand, learned counsel appearing for respondents No.1 and 3 would oppose the submissions made by learned

counsel for the petitioner and submit that this Court has rightly applied the ratio laid down by the Hon'ble Supreme Court in **Sunil Kumar B. (supra)**, which has subsequently been affirmed in **Powergrid Retired Employees' Association, 2025 SCC Online SC 750**. He would further submit that a subsequent decision on the same subject matter cannot, by itself, constitute a ground for review, particularly when there is no error apparent on the face of the record in the order dated 20.07.2026 passed by this Court in Writ Appeal No.578 of 2026 and other connected writ appeals.

6. We have heard learned counsel for the parties and have perused the pleadings as well as the documents annexed to the review petition and the writ appeals.
7. In the present case, the petitioner sought review of order dated 20.07.2026 passed by this Court in Writ Appeal No.578 of 2026 on the ground of subsequent order passed by this Court on 21.07.2026 in Writ Appeal No.505 of 2026, thereby he sought review on the subsequent event.
8. The explanation of Order 47 Rule 2 of the Code of Civil Procedure (CPC) provided that a subsequent event cannot be a ground to review the order. It is necessary to note here the explanation of Order 47 Rule 2 of CPC is as under :

“(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal

is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

Explanation.—*The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.”*

9. In the case of **Union of India & Anr. Vs. Mohd. Nayyar Khalil & Ors., 2000 (1) Supreme 384**, the Hon’ble Supreme Court has held that subsequent event cannot be a ground for review in view of the said provision of explanation of Order 47 Rule 2 of CPC.
10. Further, the review petitioner has emphasized on the issue that in his case, the judgment of **R.C. Gupta (supra)** would be applicable and not the case of **Sunil Kumar B. (supra)** that has been passed by the Hon’ble Supreme Court, whereas from perusal of the material annexed with the review petition as well as the writ petition, it clearly transpires that this Court has after considering both these judgments and entire facts and circumstances of the case, decided the writ appeal filed by the petitioner in view of order passed by this Court in Writ Appeal No.516 of 2026. Further, it could not be demonstrated by the review petitioners that the order dated 23.06.2026 passed in Writ Appeal No.516 of 2026 has been reviewed or under review before this Court.

11. The relevant provisions of law for review of an order and the judgments rendered by the Hon'ble Supreme Court in this regard are as under:-

Section 114 of the CPC vests power of review in Courts and Order 47 Rule 1 of the CPC provides for the scope and procedure for filing a review. The same is reproduced hereunder:-

Section 114 of CPC– Review

Subject as aforesaid, any person considering himself aggrieved-

- (a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred,
- (b) by a decree or order from which no appeal is allowed by this Court, or
- (c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.

"Order 47 Rule 1 CPC:

"1. Application for review of judgment- Any person considering himself aggrieved-

- (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.*
- (b) by a decree or order from which no appeal is allowed, or*
- (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence*

was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order. (emphasis supplied)

2. A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.

Explanation: *The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."*

12. In the matter of **Parsion Devi and others v. Sumitri Devi and others, 1997 (8) SCC 715**, the Hon'ble Supreme Court in Para-9 held as under :-

"9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it

must be remembered has limited purpose and cannot be allowed to be "an appeal in disguise."

13. In the matter of **Perry Kansagra v. Smriti Madan Kansagra, 2019 (20) SCC 753**, the Hon'ble Supreme Court in para 15.1 held that:-

"15.1. In Inderchand Jain it was observed in paras 10, 11 and 33 as under. (SCC pp. 669 & 675)

"10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

11. Review is not appeal in disguise. In Lily Thomas v. Union of India this Court held: (SCC P. 251, para 56)

56. It follows, therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise."

33. The High Court had rightly noticed the review jurisdiction of the court, which is as under:

"The law on the subject exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:

(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 fact 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 of 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. In our opinion, the principles of law enumerated by it in the facts of this case, have wrongly been applied."

14. In the matter of **M/S Shanti Conductors (P) Ltd v. Assam State Electricity Board, 2020 (2) SCC 677**, the Hon'ble Supreme Court dismissed the petition and held that *"The scope of review is limited and under the guise of review, petitioner cannot be permitted to reagitate and reargue the questions, which have already been addressed and decided."*
15. In the matter of **Beghar Foundation v. K.S. Puttaswamy, (2021) 3 SCC 1**, the Hon'ble Supreme Court held that *"even the change in law of or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.*

16. From the aforesaid consideration, we are of the considered opinion that the review petitioner has failed to demonstrate any perceptible illegality, error apparent on the face of the record, or any other sufficient ground warranting interference by this Court in exercise of its review jurisdiction. Consequently, no case for review of the order impugned is made out.
17. Taking into consideration the above discussed facts and law, this review petition is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Naresh Kumar Chandravanshi)
Judge