

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 110 of 2015**

1. Chairman- Cum- Managing Director , South Eastern Coalfields Limited, Police Station Sarkanda, Seepat Road, Bilaspur, Chhattisgarh
2. Director (Personal), South Eastern Coalfields Limited, Police Station Sarkanda, Seepat Road, Bilaspur, Chhattisgarh
3. General Manager, South Eastern Coalfields Limited, Raigarh Area, Raigarh, Chhattisgarh
4. Deputy General Manager, South Eastern Coalfields Limited, Raigarh Area, Raigarh, Chhattisgarh(Respondent 2 To 5)

---- Applicants**Versus**

1. Madan Mohan Mahant S/o Late Shri Balram Das Mahant, R/o Ward No.26, Chhote Atarmuda Near Jila Panchayat Office, Tahsil And Police Station Raigarh, District Raigarh, Chhattisgarh (Petitioner)
2. Union Of India, Through Its Secretary, O/o Ministry, Department Of Coal & Mines, New Delhi(Respondent No. 1)

---- Respondents

(Application for review of the order dated 16-7-2015 passed in WPS
No.2506/2015)
(By circulation in chamber)

SB: Hon'ble Mr. Justice Prashant Kumar Mishra**08/12/2015****I.A. No.1**

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (I.A. No.1), the same is allowed and the delay of 13 days in filing the review petition is

condoned.

3. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.
4. The review petitioner/SECL seeks review of the order dated 16-7-2015, passed in WPS No.2506/2015 solely on the ground that the writ petitioner has suppressed the material facts before this Court with regard to the fact that his appeal as well as his subsequent representation have already been considered and decided by the SECL.
5. On going through the record of WPS No.2506/2015, it is manifest that this Court while disposing of the writ petition by order dated 16-7-2015, which is sought to be reviewed herein, observed thus:-

“3. Since two parallel proceedings are not permissible, therefore, the writ petition is disposed of with a direction that if the petitioner's appeal is still pending, the appellate authority shall consider and decide the same, in accordance with law, on its own merits, at the earliest, preferably within a period of three months from the date of submission of certified copy of this order.”
6. From bare perusal of the para quoted above, it is crystal clear that this Court has directed that if the petitioner's appeal is still pending, the appellate authority shall consider and decide the same.
7. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite

diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for review.

8. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.
9. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See : Meera Bhanjan v. Smt. Nirmal Kumar Choudhary¹, Lily Thomas etc. v. Union of India and others², Ajit Kumar Rath v. State of Orissa and others³, Government of T.N. & Others v. M. Ananchu Asari and others⁴, and Kerla State Electricity Board v. Hitech Electrothermicsm & Hydropower Ltd. and others⁵).
10. In view of foregoing, the review petition, being bereft of merit, is liable to be and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

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1 AIR1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 (2005) 2 SCC 332
5 (2005) 6 SCC 651