

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.79 OF 2016

IN

REVIEW PETITION (STAMP) NO.5897 OF 2016

IN

WRIT PETITION NO.1920 OF 2015

Shri. Sopan Bapuso Dange

.. Applicant

Versus

The Manager,

Zilla Udyog Kendra, Udyog Bhavan,

Sangli and others

.. Respondents

Mr. A. M. Adagule, for the Applicant.

CORAM : R.M. SAVANT, J.

DATE : 22nd APRIL 2016

PC.

1. The above Civil Application has been filed seeking condonation of delay of 355 days in filing the above Review Petition. The reasons therefor are mentioned in the Civil Application. One of the reasons mentioned is that by order dated 01.02.2016 passed in Writ Petition No.11122 of 2015 the Petitioner was given liberty to file a Review Petition seeking review of the order dated 06.02.2015 passed by this Court in Writ Petition (Stamp) No.25954 of 2014. Since the condonation of the huge

delay of 355 days has been sought, this Court ventured to consider whether there was any merit in the Review Petition so as to condone the delay.

2. As indicated above, Review Petition has been filed seeking review of the order dated 06.02.2015 passed in Writ Petition (Stamp) No.25954 of 2014. By the said order, the order passed by the Trial Court rejecting the application for issuing witness summons came to be confirmed by this Court. This Court further recorded the statement made by the Learned Counsel appearing for the Petitioner in the said Petition who is also the Petitioner in the present Review Petition that the Petitioner would make an application under the Right to Information Act, 2005 seeking the documents in question from the Respondent No.3. It was also observed that it would be open for the Petitioner to file an application if in the event the documents which are sought are not made available by the Bank for some reason or the other. It seems that the Petitioner made an application to the Bank in question i.e. M. D. Pawar Peoples Co-operative Bank Ltd. for the documents which the Review Petitioner was seeking from the Bank. By letter dated 09.03.2015 the Petitioner was informed that the Right to Information Act, 2005 does not apply to the said Bank and therefore the Bank refused to furnish documents to the Petitioner. Upon this reply being received, the Petitioner once again filed an

application before the Trial Court for issuance of witness summons relying upon the liberty granted by this Court vide order dated 06.02.2015 passed in Writ Petition (Stamp) No.25954 of 2014. This was on the basis that the application made by the Petitioner under the Right to Information Act, 2005 was rejected as the said Act did not apply to the Bank in question. The said application Exh.64 came to be rejected by the Trial Court by order dated 25.08.2015. The said order passed by the Trial Court was taken exception to by the Petitioner by subsequent petition being Writ Petition No.11122 of 2015. The said Petition came to be withdrawn by the Petitioner with liberty to file a Review Petition seeking review of the said order dated 06.02.2015 passed in the said Writ Petition No.25954 of 2014. This is how, the Review Petition has been filed by the Petitioner. It is required to be noted that though the application has been rejected by the Bank in question on the ground that the Right to Information Act, 2005 does not apply, the Petitioner has not pursued remedies under the Right to Information Act, 2005 and has straightway filed the second application before the Trial Court. It is pertinent to note that the Petitioner has not even questioned the Bank as to on what basis it is saying that the Right to Information Act, 2005 does not apply to it, thereby claiming that it is exempted from the said Act. In my view, therefore, no ground for review in any of the eventualities mentioned under Order 47 of the CPC is made

out. Hence, it is not necessary to condone the said huge delay of 355 days in filing the Review Petition. The Civil Application is accordingly rejected.

3. In view of the rejection of the Civil Application, the Review Petition does not survive and to accordingly disposed of as such. However, it would be open for the Petitioner to pursue remedies under the Right to Information Act, 2005, if so advised.

[R.M. SAVANT, J]