

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**REVIEW PETITION NO. 21 OF 2016
IN
WRIT PETITION NO. 1922 OF 2015**

M/s. Videocon Industries Limited }	
and Anr. }	Petitioners
versus	
Union of India and Ors. }	Respondents

Mr. K. R. Bulchandani with Mr. Amit D. Nikam i/b. M/s. Kamal and Co for the petitioners.

Mr. B. M. Chatterjee – Senior Advocate with Mr. Pradeep S. Jetly, Mr. M. S. Bharadwaj, Mr. Ranit Basu and Ms. Haya Majumdar for the respondents.

**CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED :- APRIL 29, 2016

P.C. :- (In Chamber)

1) We have heard Mr. Bulchandani learned counsel appearing for the petitioners and Mr. Chatterjee learned senior counsel appearing for respondent nos. 1 and 2.

2) We have perused the order under review. This order was passed by us after hearing both sides. Now, Mr. Bulchandani would urge that the petitioners had maintained that they had discharged the export obligation and therefore entitled to Export

Obligation Discharge Certificate. It is the respondent, the contesting one, who did not point out to the court that this obligation has indeed been discharged. Now, they have filed an affidavit and in the review petition and they claim that these obligations have been discharged, but some investigations are in progress. Had this position been on record, the petitioners would never volunteer to deposit any amount. Therefore, once this position emerges and now on record, then, the order dated 20th July, 2015 should be recalled. The petition be placed for admission without setting any pre-condition.

3) This is a review petition. The constraints of review jurisdiction are well settled. The petitioners are not non-suited as is apprehended. All that the petitioners were directed to comply is a condition imposed by this court so as to balance the rights and equities. The final relief in the petition is to issue a certificate styled as Export Obligation Discharge Certificate. However, this court found, after hearing Mr. Bulchandani, that the request for issuance of such certificate is prima facie belated. Therefore, public revenue has to be secured. The petitioners themselves volunteered and stated that they would deposit a sum in this court and without prejudice to their rights and contentions. We accepted the statement and therefore, passed the conditional

order. We do not think that the same suffers from any error of law apparent on the face of the record or otherwise permits us, within the parameters of Section 114, Order 47 of the Civil Procedure Code, 1908, to review it. We, therefore, find no merit in the review petition. It is dismissed.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)