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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM No. 12542-C of 2016 &
RA-RS-116-C-2016 in
RSA-1766-2010 [O&M]
Date of Decision : November 11, 2016**

Steel Authority of India and another

.... Applicants-Appellants

Versus

Steel Strips Infrastructure Limited

.. Respondent

CORAM : HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN.

Present Mr. Sanjeev Sharma, Senior Advocate,
with Mr. Shekher Verma, Advocate,
for the applicants-appellants.

Mr. Santosh Sharma, Advocate,
for the respondent.

SHEKHER DHAWAN, J.

CM No. 12542-C of 2016

For the reasons mentioned in the application, which is supported
by an affidavit, delay of 78 days in filing the accompanying Review
Application is condoned.

CM stands disposed of.

RA-RS-116-C-2016

Present Review Application having been filed by the applicants-
appellants under Section 114 read with Order 47 Rule 1 CPC seeking review
of the Judgment dated 24.05.2016 [Annexure A/1] passed by this Court, on

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the ground that while dismissing RSA No. 1766 of 2010, the facts regarding encashment of bank guarantee of Rs.5.00 lacs on 1.8.1989 and that Civil Suit having been filed on 8.9.1999 being hopelessly time barred, were not taken into consideration by the Court. More so, in his statement, M.L.Goel, while appearing for the respondent-Company, has admitted the fact that each order was an independent transaction.

2. Learned senior counsel for the applicants further contended that even if it is assumed that the parties were having the running account, the interest would have accrued from 1997 only, but this aspect was not taken into consideration while deciding the Regular Second Appeal [RSA] and the present review application be accepted and the RSA be decided accordingly.

3. Learned counsel for the non-applicant contended that the application for review itself is not maintainable in view of the provisions of Order 47 Rule 1 and Section 114 CPC. The scope of review jurisdiction is limited one and the same cannot be extended for substituting a view taken by this Court on merits. More so, all these aspects, including the plea regarding limitation period, have been discussed in detail in the judgment Annexure A/1, itself. The Court had also made elaborate discussion about running account being maintained between the parties and the impact thereof. More so, the applicants want to re-open the case and re-argue the matter by taking the same pleas which were earlier raised by them and dealt with in the judgment under review, which is not permissible. Reliance on this point has been placed upon the judgment of Hon`ble Supreme Court in **Parsion Devi Vs. Sumitri Devi, 1997(4) R.C.R. [Civil] 458.**

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3. Having considered the submissions made by learned counsel for the parties and perusal of the record and the view taken by Hon`ble Apex Court in **Parsion Devi's** case [supra], this Court is of the considered view that the present review application is not maintainable for various reasons, including that scope of review jurisdiction is only restricted one. More so, on facts, the application deserves dismissal because this Court has already discussed in detail the controversy regarding encashment of bank guarantee and the plea having been taken regarding limitation period. The Court had also discussed in detail the impact of running account between the parties and interest to be accrued and while doing so, affirmed the findings having been recorded by the first Appellate Court as well. Under the guise of present review, the applicants want to re-open the case and re-argue the matter by taking the same pleas which were earlier raised by them and dealt with in the judgment under review, which is not permissible. This Court does not find any illegality in the judgment passed by the Court which may warrant any interference by way of present review application. Consequently, the Review Application stands dismissed.

November 11, 2016*som*

Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes

(SHEKHER DHAWAN)
JUDGE