

\$~4(Special Bench)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 278/2014

DR. ARUN GOPAL AGARWAL Petitioner

Through: Mr. A.K. Thakur, Advocate with
Mr. M.K. Pandey, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Satpal Singh, Adv. for R-2 and R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **21.07.2017**

REVIEW PET. 290/2017 (by the petitioner for review of the judgment dated 28.11.2016), CM APPL. 25643/2017 (for condonation of delay of 80 days in filing the RP) and CM APPL. 25644/2017 (for condonation of delay of 60 days in re-filing the RP)

1. The present review application has been filed by the petitioner for seeking review of the judgment dated 28.11.2016, passed in W.P.(C) 278/2014, whereunder the writ petition filed by him challenging the Notification dated 15.01.2011 issued by the Government of India, Ministry of Labour and Employment in exercise of powers conferred by Section 5 read with Section 7(1) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, thereby amending the Employees' Provident Fund Scheme, 1952 and substituting para 60(6), whereunder it was stated that interests shall not be credited to the account of a member from the date on

W.P.(C) 278/2014 *Page 1 of 3*

which it has become inoperative account under paragraph 72(6), came to be dismissed as devoid of merits.

2. Learned counsel for the petitioner contends that there is an error apparent on the face of the record as while passing the said order, the Court did not take note of the fact that the amount lying in the account of a member is utilized by the Government for earning interest and though the said plea was duly taken in the petition, it has not been specifically dealt with in the order dated 28.11.2016.

3. It is settled law that mere repetition of old arguments in a review application or an attempt to revisit grounds already taken, is not permissible to expand the scope of review. Merely because no specific reference was made to the aforementioned ground that was taken in the petition, would not be a ground for seeking review of the order dated 28.11.2016. That would in fact amount to a re-hearing of the petition which is impermissible. [Refer: **(1975) 1 SCC 674**; Sow Chandra Kante and Anr. vs. Sheikh Habib, **(2006) 5 SCC 501**; Jain Studios Ltd. vs. Shin Setellite Public Co. Ltd. and **(2013) 8 SCC 320**; Kamlesh Verma vs. Mayawati and Ors.,]

4. Though no specific averment has been made in the review application, in the course of arguments, learned counsel for the petitioner refers to a Notification dated 11.11.2016 issued by the Government of India, and states that the petitioner has come upon the same recently and it restores the position that was existing anterior to the impugned Notification dated 15.01.2011, which had substituted para 60(6). He argues that the petitioner should also be permitted to take the benefit of the said Notification.

5. We find no merits in the aforesaid submission. The said Notification was not brought on record or even referred to by learned counsel for the petitioner in the course of addressing arguments on 28.11.2016. Even otherwise admittedly, the said Notification does not have retrospective application.

6. Accordingly, the present review petition is dismissed alongwith the pending applications, as being devoid of merits.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

JULY 21, 2017

rkb/sr