

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (ST) NO. 1928 OF 2017
IN
WRIT PETITION NO. 7464 OF 2013

National Terylene Centre

....Petitioner

V/s.

Sriram Mandir Trust

....Respondent

Mr. Amogh Karandikar i/by. Khandeparkar & Associates,
Advocate for the Petitioner.

None for the Respondent.

Coram :- N.M. Jamdar, J.

Date :- 17 April 2017.

P.C. :-

. Mentioned. Not on board. Taken on board on
production of praceipe.

2). Heard learned Counsel for the petitioner.

3). Review is sought of the order dated 20 December, 2016. By the order dated 20 December, 2016 the concurrent orders passed by the learned Civil Judge Junior Division, Ratnagiri and District Judge, Ratnagiri, fixing the standard rent at the rate of Rs.5,000/-, were confirmed.

4). The learned Advocate for the applicant submitted that the area is not 500 sq.ft but 321 sq.ft and in the reply filed by the respondent, landlord it has been mentioned that the rate is Rs.8/- per sq.ft and thereto order needs to be reviewed.

5). The Review Petition is wholly misconceived and filed without understanding the scope of Article 227. In the order dated 20th December, 2016 itself it has been clarified that scope of interference under Article 227 of the Constitution of India with concurrent finding to fixing of standard rent is extremely limited. Power of superintendence is not to be confused with an appellate power. This Court had not fixed the standard rent at the first instance and was only considering whether the standard rent fixed by both the Courts could be termed as perverse. The Court considered the position, that the premises are admittedly commercial premises and are in the

heart of the city, and therefore having found no perversity, by the order dated 20 December, 2016, the Court had declined to exercise the power of superintendence. Under the garb of review, not only re-argument is sought to be made, but the scope of Article 227 of the Constitution of India is also sought to be expanded.

5). The Review Petition is accordingly rejected.

(N.M. Jamdar, J)