

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 33 OF 2017
IN
WRIT PETITION NO. 1315 OF 2014

M/s. Soma Papers and Industries Ltd. ... Applicant
Vs.
Eskays Construction Private Limited & Ors. ... Respondents

WITH
REVIEW PETITION NO. 34 OF 2017
IN
WRIT PETITION NO. 5139 OF 2014

M/s. Soma Papers and Industries Ltd. ... Applicant
Vs.
Bank of India & Ors. ... Respondents

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Mr. R.M. Vanoo i/b. Mr. Om Prakash Pandya for the Applicant in both Review Petitions.

Mr. Prasad Dhakephalkar, Senior Advocate a/w Mr. Sanjay Jain & Ms. Rashida F. Savliwala i/b. M/s. Dhruve Liladhar & Co. for Respondent No.1 in RPW/33/2017 & for Respondent No.6 in RPW/34/2017.

Mr. Prem Das i/b. Mr. O. A. Das for Respondent No.2 in RPW/33/2017 & for Respondent No.1 in RPW/34/2017 (BOI).

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**CORAM : S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE : FEBRUARY 08, 2017.

P.C. :

1. We have heard the learned counsel appearing for the review petitioner/applicant. The review petitioner is the original

respondent no.1, seeking a review of the Judgment and order passed in Writ Petition No. 1315 of 2014 and a connected Petition.

2. The only argument that is canvassed is that this Court did not notice a glaring omission which was pointed out and from the sale notice itself. Therefore, the finding rendered by this Court in paragraphs 23 and 24 of this Judgment under review is erroneous.

3. We cannot accept such submissions and in our limited jurisdiction. A Review is not to be equated with an Appeal or a Revision. We cannot revisit a factual finding and by undertaking an exercise as desired by the learned counsel. Whether there is indeed an error, and manifest according to the review petitioner, is not an admitted position. What it essentially means is that we should keep our Judgment and the original record side by side and go beyond a factual finding by once again looking into the said sale notice and related documents. Precisely this is what is not permitted in review jurisdiction. This is not an error apparent on the face of record but an exercise which would require us to go and revisit a factual finding. That is not a permissible course in review jurisdiction. If indeed, as the learned counsel submitted, there is a glaring error or omission in our order, the review petitioner/applicant is free to point out the same to a higher Court. The Review Petition is therefore, dismissed.

(B. P. COLABAWALLA, J.)

(S. C. DHARMADHIKARI, J.)