

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

RA-CR-307-CII of 2016 In
FAO No.6546 of 2012
Date of decision : 06.04.2017

Food Corporation of India

...Appellant

Versus

M/s Vishal Enterprises and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. K.K. Gupta, Advocate for the appellant.

Mr. S.K. Yadav, Advocate for respondent Nos.1 and 2.

Mr. Piyush Kant Jain, Advocate for respondent Nos.5 and 6.

AMIT RAWAL, J. (Oral)

CM No.24773-CII of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 23 days in filing the review application is condoned.

Application stands disposed of.

RA-CR-307-CII of 2016 In FAO No.6546 of 2012

Review petition has been filed on the various grounds. The grounds taken herein are the part of the ground taken before the Courts below filed by Food Corporation of India. In view of ratio decidendi culled out by Hon'ble Supreme Court of India in “**Tamilnadu Terminated Full**

Time Temporary LIC Employees Association Vs. S.K. Roy, The Chairman, Life Insurance Corporation of India and another” 2016 (9)

SCC 366, review petition re-agitating the issue and raising the arguments is not maintainable. The relevant paragraph of the judgment reads as under:-

"Review is not re-hearing of an original matter. The power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. A repetition of old and overruled argument is not enough to re-open concluded adjudications. This Court, in Jain Studios Ltd. v. Shin Satellite Public Co. Ltd. (2006) 5 SCC 501, held as under:

11. So far as the grievance of the applicant on merits is concerned, the Learned Counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases."

This Court while deciding the appeal have only expressed his view with regard to the exercise of jurisdiction in dealing with the objection filed under Section 34 of the Arbitration and Conciliation Act. However, while reading the order, I realise that there was mistake with regard to the year that instead of 15.09.1995, it has wrongly been typed as 15.09.1999.

Same is ordered to be corrected. Rest of the order is upheld.

No ground for interference is made out as there is no error apparent on record is made out.

Accordingly, present review petition stands dismissed.

06.04.2017

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No