

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****REVIEW PETITION NO. 6 OF 2017****IN****COMPANY PETITION NO. 128 OF 2011****ALONGWITH****COMPANY APPLICATION NO. 625 OF 2017****IN****REVIEW PETITION NO. 6 OF 2017****ALONGWITH****COMPANY APPLICATION NO. 674 OF 2017****IN****REVIEW PETITION NO. 6 OF 2017****ALONGWITH****COMPANY APPLICATION NO. 675 OF 2017****IN****REVIEW PETITION NO. 6 OF 2017****ALONGWITH****COMPANY APPLICATION NO. 626 OF 2017****IN****REVIEW PETITION NO. 7 OF 2017****ALONGWITH****COMPANY APPLICATION NO. 672 OF 2017****IN****REVIEW PETITION NO. 7 OF 2017****ALONGWITH****COMPANY APPLICATION NO. 673 OF 2017****IN****REVIEW PETITION NO. 7 OF 2017****ALONGWITH****REVIEW PETITION NO. 7 OF 2017****IN****COMPANY PETITION NO. 277 OF 2011****Masumi Overseas Private Ltd.****..... Petitioner****VERSUS****The State Trading Corporation of
India Ltd.****..... Respondent**

Mr.Sameer Jain, a/w. Ms.Jayashree Parihar, i/b.Probus Legal for the Petitioner.

Mr.Pradeep Sancheti, Senior Advocate, a/w. Ms.S.I.Shah, I/b. S.I.Shah & Co. for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 2nd JULY, 2018

P.C.

By these two review petitions, the review petitioner (original respondent) has prayed for recall of the order dated 6th June, 2017 passed by this court in Company Petition No.128 of 2011 and Company Petition No.277 of 2011 admitting these two company petitions and granting interim relief in terms of prayer clause (c) of those petitions.

2. The review petitions are filed mainly on the ground that certain documents were not produced by erstwhile advocate who was representing the review petitioners before this court. Reliance is placed on the affidavit filed by Shri P.N.Patwardhan, advocate, affirmed on 6th July, 2017 in support of the submission that those documents were not produced inadvertently and due to inadvertent oversight before this court. The next ground of challenge is that certain documents came to the knowledge of the review petitioners after passing of the order passed by this court and more particularly after the review petitioner seeking those informations from the learned advocate representing the original respondent and after the review petitioner applying under the provisions of Right to Information Act.

3. It is submitted by the learned counsel for the review petitioner that the Division Bench of this court in the appeals preferred by the review petitioners against the order passed by this court has granted liberty to the petitioner to seek review of the order passed by this court while allowing the review petitioners to withdraw those two appeals by the Division Bench.

4. Mr.Sancheti, learned senior counsel for the original respondent on the other hand submits that the affidavit filed by the learned advocate on 6th July, 2017 does not indicate as to when those documents which are now sought to be relied upon by the review petitioners before this court in this review petition were furnished to him. Those documents are of the year 2009 and more particularly dated 1st July,2009 and 22nd July, 2009. The review petitioners had filed three affidavits in reply to the company petition filed by the respondent in this review petition (original petitioner to the company petition) thereafter. In none of those affidavits, the review petitioners have ever referred to and relied upon those two documents.

5. A perusal of those two letters alongwith other letter now produced even otherwise it would indicate that the review petitioners themselves had relied upon the correspondence subsequent to the date of those two letters in the review petitions which were admittedly in their custody. Be that as it may, on this ground, no case is made out for recall of the order passed by this court.

6. A perusal of the affidavit filed by Mr.P.N.Patwardhan does not

indicate that as to when the review petitioner had furnished those documents to the learned advocate and why those documents could not be referred in those three affidavits filed by the review petitioner before this court opposing the company petition filed by the original petitioner. The said affidavit filed by Mr.Patwardhan, advocate thus would be of no assistance to the review petitioners for seeking recall of the order passed by this court.

7. The other grounds raised in the review petition clearly indicates that they are by way of seeking review of the order on merits of the matter. I am afraid, no such grounds can be entertained by this court under Order 47 Rule 1 of the Code of Civil Procedure, 1908 or principles analogous thereto.

8. Learned counsel for the review petitioner states that the subsequent information given by the original petitioner after the order came to be passed by this court are contrary to the information earlier given to the review petitioner.

9. In my view, those alleged subsequent events will not assist the review petitioner to recall the order passed by this court.

10. The review petitions are totally devoid of merits and are accordingly dismissed. In view of the dismissal of the review petitions, the Company Application Nos. 625 of 2017, 674 of 2017, 675 of 2017, 626 of 2017, 672 of 2017 and 673 of 2017 do not survive and are accordingly disposed of. No order as to costs.

11. The order of admission of the petition be advertised. The returnable date for the publishing the order of admission is extended till 3rd September,2018.

12. *Ad-interim* relief granted, if any, to stand vacated.

[R.D. DHANUKA, J.]