

\$~4.

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

Review Petition No.416/2018 in
+ **W.P.(C) 10685/2016**

ARUN KUMAR JAIN & ORS Petitioner
Through: Petitioners in person.

Versus

UNION OF INDIA & ORS Respondents
Through: Mr.Praveen Kumar Jain, Adv. with
Mr.Lokendra Singh, Ms.Rashmi Kumari, Adv.
for R-1.
Mr.Ajay Bahl, Adv. and Ms.Rashmi Kumari, Adv.
for R-3.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

% **ORDER**
26.11.2018

1. This review application has been filed seeking review of order passed by us on 26th September, 2018. Review is primarily sought on the ground that against the original order passed by the DRT an appeal or proceedings under Section 30 of the DRT Act is not maintainable and an appeal under Section 30 is maintainable only against an order passed by the Recovery Officer and as the petitioners were also challenging the original orders passed by the DRT under Section 19, the order warrants reconsideration.

2. We find that the petitioners had challenged the recovery certificate issued and had also challenged an earlier order passed by the DRT. The order passed by the DRT was much prior to passing of the order by the Recovery Officer. The learned Recovery Officer, in fact, was enforcing the order passed by the DRT in the year 2003 in TA No.256/2002 (O.A.No.588/1997). Considering the fact that the order in question has been passed in accordance with law laid down by the Supreme Court, we see no error in the order warranting reconsideration, particularly, when the petitioners did not challenge the order passed by the DRT well within a reasonable period of time, that is, after the orders were passed earlier in the year 2003.

3. Even against the original order passed by the DRT, the petitioners had statutory remedy of filing an appeal which remedy was not resorted to by them. Taking note of these circumstances, we see no case made out for review or recall. Finding no error apparent on the face of the record, we are not inclined to make any indulgence.

4. The review petition is accordingly dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 26, 2018

'anb'

Review Petition No.416/2018 in W.P.(C) 10685/2016

Page 2 of 2.