

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 207 of 2019**

1. South Eastern Coalfields Limited Through Its Chairman And Managing Director, Head Office, Vasant Vihar, Seepat Road, Bilaspur Chhattisgarh.
2. General Manager SECL Gevra Project Gevra, Korba, Chhattisgarh.
3. Senior Manager Mining SECL Gevra Project Gevra, Korba, Chhattisgarh.
4. Collector Korba, Chhattisgarh.

---- Petitioners**Versus**

- Gopal Krishna S/o Shri Ganesh Ram Aged About 28 Years R/o Dipka, Tahsil Katghora, District Korba Chhattisgarh.

---- Respondent**Application for review of the order dated 16.08.2016 passed in****WPS No.6363 of 2011****By circulation in Chamber****S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra****13.12.2019****IA No.01**

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (IA No.01), the same is allowed and the delay of 30 days in filing the review petition is condoned.
3. The matter is taken up for consideration in the chamber

under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.

4. The review petitioner/SECL seeks review of the order dated 16.08.2016 passed in WPS No.6363 of 2011 on the ground that the petitioner is not qualified for getting employment in SECL as land oustee.
5. After going through the record of the writ petition, it is manifest that after appreciating all the facts and circumstances of the case, in its true perspective, this Court allowed the writ petition directing the SECL to consider and grant employment in lieu of acquisition of land belonging to the writ petitioner's family, in favour of the writ petitioner within a period of 03 months.
6. On consideration of the above-stated grounds, which are in the nature of taking liberty to re-argue the writ petition are unsustainable in the eyes of law.
7. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. Even in exercise of review

jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for review.

8. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.
9. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others, (2005) 6 SCC 651.
10. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

SD/-
Judge
(Prashant Kumar Mishra)