

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION (ST) NO. 23342 OF 2018
IN
WRIT PETITION NO. 6472 OF 2017
WITH
CIVIL APPLICATION NO. 517 OF 2018**

Union of India and Ors.	}	Petitioners
versus		
UPL Limited	}	Respondent

Mr.Rui Rodrigues with Mr.M.S.Bharadwaj for the petitioners.

Mr.Jas Sanghvi I/b. M/s.PDS Legal for the respondent.

**CORAM :- S. C. DHARMADHIKARI &
A. M. BADAR, JJ.**

DATED :- AUGUST 21, 2019

P.C. :- (In Chambers)

1. For the reasons stated in the civil application, we hold that there is sufficient cause in condoning the delay of 353 days in filing the review petition. The civil application is made absolute accordingly and by consent of both sides, the review petition is taken up for admission/hearing forthwith.

2. This review petition seeks review of an order dated 27th June, 2017 passed in Writ Petition No.6472 of 2017. The other Writ Petition No.1750 of 2015 as also Writ Petition No.2122 of

2015, both decided on 25th January, 2016, considered identical issue and controversy. In these circumstances, relying upon that judgment, the order under review has been passed. This court has found that the same notification has been relied upon throughout.

3. Having heard both sides on the point of review, we find that the order under review relied upon a judgment delivered by a Division Bench of this court. A review was sought of that very judgment in Review Petition (ST) No. 33492 of 2017 in Writ Petition No.2548 of 2016. There was a civil application taken up in that review petition as well to seek condonation of enormous delay. The civil application seeking condonation of delay and consequently the review petition were both dismissed by this court and by the Bench presided over by one of us (S.C.Dharmadhikari, J.) on 21st December, 2017. There was a writ petition being Writ Petition No.12013 of 2017 seeking implementation of the order passed in Writ Petition No. 2548 of 2016 dated 7th March, 2016. This court granted two months' time to comply with that order.

4. It is very clearly stated in the memo of the present review petition as also the civil application that attempts were made to approach the higher court (Hon'ble Supreme Court of India)

against this court's orders referred above. That attempt has also failed. It is very clear that the petitioners waited till this court finally concluded that its judgment and order should be implemented.

5. When in the companion litigation, the Department could not successfully seek review of the order passed in Writ Petition No.2548 of 2016, then, we do not think that another view can be taken in the instant review petition. If the judgment and order under review is erroneous on merits, then, the remedy is to challenge it in appeal before the higher court. The judgment cannot be revisited and recalled by considering the arguments that are now canvassed. The grounds in the present review petition are in the nature of an appeal. We are not conferred with such a jurisdiction. The parameters of review jurisdiction are set out in section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908. Applying these parameters, it will not be possible for us to review the order under review and come to a different conclusion. The review petition is, therefore, entirely misconceived. It is dismissed. There would be no order as to costs.

(A.M.BADAR, J.)

(S.C.DHARMADHIKARI, J.)