

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION [L] NO.29 OF 2018
IN
WRIT PETITION NO.1694 OF 2003

The State of Maharashtra & Anr.		Petitioners
<i>In the matter of:</i>		
Reliance Infrastructure Ltd. & Anr.		Ori. Petitioners
Vs.		
The State of Maharashtra & Others		Respondents

Ms Geeta R. Shastri, Addl. GP, with Mr. H.B. Takke,
AGP, for the Review Petitioners/original Respondent
Nos.1 & 2.
Ms Anjali Chandurkar with Mr. D.J. Kakalia & Ms Bhavna
Singh i/by Mulla & Mulla & Craigie, Blunt & Caroe
for the original Petitioners/Respondents.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : OCTOBER 11, 2019

P.C:

1. On 15-1-2018, the Judgment and Order under review was pronounced.
2. Writ Petition No.1694 of 2003 was allowed in same terms as was done by this Court in the case of **Mr. Aspi Chinoy & Another vs. The State of Maharashtra & Others** {O.S. Writ Petition No.713 of 2001, decided on 29-9-2009}. Following that Judgment and Order, the petition of the respondents before this Court today was allowed.

3. Once this Court has recorded in its Judgment and Order under review a concession that the controversy in the petition on which the Judgment under review was rendered was identical to that involved in **Aspi Chinoy** (supra), then, we cannot entertain a review petition. The review petition seeks to impugn this Judgment on the ground that the controversy in the two petitions may be identical but much water has flown after the Judgment in the case of Aspi Chinoy. The review is sought on the ground that the Judgment and Order in Aspi Chinoy was challenged before the Hon'ble Supreme Court and that challenge is pending. Secondly, there is a statutory intervention now and by way of an amendment and had that been noticed, possibly, the view of this Court would have been otherwise. In other words, the Judgment in Aspi Chinoy would not have been then followed. We do not think that either grounds would enable filing of a review petition. A review petition is not an opportunity given to the same Bench to revisit any factual findings or correct any errors in the Judgment under review. In such circumstances, even if one of the review petitioners is the State of Maharashtra, we cannot extend it any special treatment. The review petition is misconceived and is dismissed.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)