

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO.1575 OF 2019
AND
MISC. CIVIL APPLICATION (ST.)NO.9247 OF 2019 (REVIEW)
IN

WRIT PETITION NO.148 OF 2018(D)

(THE UNION OF INDIA, THR. ACOUNTANT GENERAL-II....VS.. CHETAN VITTHALRAO POTKAR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Vinod Joshi, Special Counsel for Government of India a/w.
Shri S.A.Choudhari, CGSC, for Applicant/ Petitioner.

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 03, 2019.

CIVIL APPLN.NO.1575/2019.

In view of the order passed on Civil Application (CAO) No. 44 of 2018 in Misc. Civil Application (St.) No. 17327 of 2017 in Writ Petition No. 4974 of 2014 holding that for filing application seeking review of the judgment/order passed under Article 226 and/ or Article 227 of the Constitution of India, limitation is not prescribed, this application praying for condonation of delay of 117 days in filing the review application is not required to be considered and is **disposed** accordingly. No costs.

M.C.A. (REVIEW) APPLICATION (ST.)NO.9247/2019.

Original Petitioner has filed this application seeking review of the order passed by this Court on 24th November 2018 by which the petition filed by the applicant/ petitioner was dismissed on the ground of delay and latches. According to the applicant/petitioner, the information sought by the non-applicant/respondent could not have been

supplied in view of the provisions of the CAG's (Duties, Powers and Conditions of Service) Act, 1971. It is submitted that the Central Information Commissioner has committed an error by directing the applicant/petitioner to supply information in respect of which exemption is granted under Section 8 of the Right to Information Act, 2005.

During the course of arguments, the learned Advocate for the applicant/petitioner stated that in the facts of the case, the information as directed by the Central Information Commissioner has already been supplied to the non-applicant/respondent. It is argued that the review application is filed as the order passed by this Court is being used as precedent in other matters.

Considering the facts of the case, I am not inclined to entertain the review application. The submission made on behalf of the applicant/petitioner that the order passed by this Court in writ petition may be used as precedent also cannot be accepted, inasmuch as nothing is decided on merits and the petition has been dismissed on the ground of delay and laches.

So viewed, I see no reason to exercise review jurisdiction, especially when there is nothing on record to show that there is any error on the face of the record.

Hence, the Miscellaneous Civil Application is **dismissed**. No costs.

JUDGE