$~11 & 20

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

\+ LPA 688/2017

SUSHILA ..... Appellant

Through Mr. J.K. Mittal, Mrs. Vandana Mittal, Advocates.

versus

AIRPORTS AUTHORITY OF INIDA ..... Respondent

Through None.

AND

\+ LPA 686/2017

SUSHILA ..... Appellant

Through Mr. J.K. Mittal, Mrs. Vandana Mittal, Advocates.

versus

AIRPORT AUTHOURITY OF INDIA ..... Respondent

Through Mr. Atul Sharma, Mr. Abhinav Sharma, Advocates for R2/DIAL.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

O R D E R

% **27.09.2019**

REVIEW PET. 406/2019 in LPA 688/2017 (by the appellant)
REVIEW PET. 410/2019 in LPA 686/2017 (by the appellant)

1. These review petitions have been filed by the appellant/petitioner stating *inter alia* that there are several errors apparent on the face of the common judgment dated 22.08.2019, that need correction, which include

errors in recording the submissions of the learned counsel for the respondent No.1/AAI in para-7 and of the learned counsel for the respondent No.2/DIAL in para-9 of the judgment. Another error that is pointed out is in the second sentence of para-2 of the judgment wherein it has been recorded that *"an issue arose as to whether Service Tax was leviable on garbage disposal charges payable by the respondents to the appellant/petitioner"*. Learned counsel for the appellant submits that correct position is that an issue had arisen as to whether Service Tax was leviable on the license fee payable by the appellant to the respondents for the space provided by the respondents to her.

2. Mr. Atul Sharma, learned counsel for the respondent No.2/DIAL disputes the aforesaid submission and states that the issue that had arisen was as to whether Service Tax was leviable on the license fee payable by the appellant on the garbage removal services rendered by her from the space provided by the respondent No.1/AAI and the respondent No.2/DIAL. He denies that there is any error in paras No.7, 9 and 14 of the judgment. Learned counsel states that the submissions made on behalf of the respondent No.2/DIAL have been correctly recorded and if the appellant has a grievance, it is for her to file an appeal.

3. We are of the opinion that no review application lies seeking to point out inherent fallacies in the contentions/arguments advanced by learned counsel for the respondents, as have been recorded in the judgment. It is the prerogative of the parties to advance arguments and for the Court to consider the same and return a finding. The judgment having been rendered, if aggrieved, the appellant is well entitled to seek legal recourse, as may be

advised. But filing a review application, is not an option available.

4. As regards the observation made in the second sentence of para-2 of the judgment dated 22.08.2019, the same is clarified as below:-

> *"An issue arose as to whether Service Tax is leviable on the license fee payable by the appellant for the garbage removal services from the space provided by the respondent No.1/AAI and the respondent No.2/DIAL."*

5. The aforesaid sentence shall be read in place of the second sentence of para-2 of the judgment dated 22.08.2019.

6. We do not find any other error apparent on the face of the judgment that deserves to be reviewed. The review application is partly allowed, limited to the aforesaid extent and is disposed of.

HIMA KOHLI, J

ASHA MENON, J

SEPTEMBER 27, 2019/MK