

12.05.2022
Court No.38
Item No.2
SB

RVW 75 of 2020
with
CAN 1 of 2020
+
CAN 2 of 2020

In the matter of : Bengal Tools Limited

Ms. Sutapa Sanyal
Mr. Subhankar Chakraborty
Mr. Saptarshi Bhattacharjee
Ms. R. Manna ... for the petitioner

Mr. Probal Mukherjee
Mr. Snehashis Sen ... for the KOPT

The petitioner seeks review of a judgment and order dated 17 August, 2020 ('the order').

By the order, a revisional application against an order dated 22 July, 2020 passed by the Estate Officer, Kolkata Port Trust in proceeding no.1743/D of 2019 (Board of Trustees of the Port of Kolkata vs. Bengal Tools Ltd.) was dismissed in view of the alternative, efficacious, statutory remedy available to the petitioner.

The petitioner insists that a review is called for on the ground that there has been a violation of the principles of natural justice which would materially affect the outcome of the petition.

According to the petitioner, the order is liable to be reviewed primarily on the ground of violation of principles of

natural justice. It is further alleged that there is also the question of limitation which has not been addressed by the Estate Officer.

The respondent is represented and relies on the orders passed by the Estate Officer to demonstrate that the petitioner had full notice and participated in the proceedings before the Estate Officer. It is further alleged that the Estate Officer has also adjudicated upon the question of limitation. It is further urged by the respondent that, there are staggering outstanding rental arrears in respect of the subject premises which was being occupied by the petitioner. Hence, there is no reason to interfere with the order.

I have considered the submissions made on behalf of the parties.

It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so. Review is not a rehearing of an original matter.

I find that the grounds urged by the petitioner do not constitute any grounds warranting review of the order. By the order, the revisional application filed by the petitioner has been dismissed on the ground of maintainability and on the ground that the petitioner has a statutory, alternative, efficacious

remedy under the Public Premises (Eviction of Unauthorized Occupant) Act, 1971 and the Rules framed thereunder. I also find that even on the ground of natural justice, the petitioner has been unable to demonstrate that the order is liable to be reviewed. In view of the aforesaid, the order does not call for revisiting particularly in the light of the grounds which have been urged by the petitioner.

Accordingly, RVW 75 of 2020 alongwith all connected applications stand dismissed.

(Ravi Krishan Kapur, J.)