

OD-8

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

RVWO/8/2020
IA No.GA/1/2020, GA/2/2020

LAXMI PAT SURANA
VERSUS
VOLTAS LIMITED

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 29th September, 2022.

Appearance:

*Mr. Laxmi Pat Surana, (in person)
... the appellant.*

*Mr. Chayan Gupta, Adv.
...for the respondent.*

IA No.GA/1/2020

The Court : There is a delay of 545 days in filing the review application. Sufficient cause has been shown for not being able to file the review application within time. Accordingly, the delay is condoned and the application for condonation of delay being IA No.GA/1/2020 is allowed.

Re.RVWO/8/2020

This is an application for review of the judgment and order dated 17th April, 2019.

Mr. Surana appearing in person submits that although the Special Leave Petition against the said judgment was dismissed *in limine*, his right to file a review is not affected.

The argument which is now made is based on an observation made by the learned Single Judge on 6th December, 2018 with regard to an affidavit in relation to compliance of performance test was considered and rejected in our order under review. This is now sought to be re-agitated in this review petition.

Under the garb of review, the petitioner cannot seek re-hearing of the appeal on merits.

We have given our reasons for not interfering with the order passed on 6th December, 2018.

Thus, we do not find any error apparent on the face of record. Moreover, the Special Leave Petition against the order dated 17th April, 2019 has been dismissed *in limine*.

Thus, the review application fails and is dismissed.

Consequently, the connected application for stay being IA No.GA/2/2020 also stands dismissed.

However, there shall be no order as to costs.

[SOUMEN SEN, J.]

[RAVI KRISHAN KAPUR, J.]