

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.15483 OF 2019

SHANKAR GANPAT SAWANT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Mane Anup D.
AGP for Respondents/State: Mr. S. N. Kendre
Advocate for Respondent No.6: Mr. B. R. Warama

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th September, 2022

PER COURT :-

1. Though the impugned order is assailed on merits, this Court is not inclined to consider the merits, as the impugned order is not sustainable in the facts of the present case. Review of the order passed by respondent no.3 in revision is sought before respondent no.2. By the impugned order, the review is allowed and the order passed by respondent no.3 in revision is set aside.

2. It is settled legal position that review has to be filed before the same Authority or Court, which has passed the judgment under review.

3. In this view of the matter, the judgment passed by respondent no.3 in revision could not have been reviewed by

respondent no.2. While allowing the review, respondent no.2 has failed to consider that no grounds set out in Rule 24(2) of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 are made out in the review application. It is also settled legal position that the review cannot be entertained as if it is an appeal in disguise and merely because another review is possible.

4. Since respondent no.2 has reviewed the order passed by respondent no.3, the impugned order is without jurisdiction and cannot be sustained in the facts of this case.

5. In the result, writ petition is allowed. The impugned order dated 18-09-2019 passed by respondent no.2, is hereby quashed and set aside.

6. Needless to state that no opinion on merits of the matter is expressed and respondent no.6 is at liberty to seek appropriate remedy available in law.

[NITIN B. SURYAWANSHI, J.]