

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.561/2022 (FOR DELAY)
IN MISC. CIVIL APPLICATION ST. NO. 5636/2022 (FOR REVIEW)
IN WRIT PETITION NO.1479/2021

M/s. WE-The Working Elements through its Proprietor Ashish Keshav
Ukey .vs. The State of Maharashtra and Others

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

Court's or Judge's orders.

Mr. Bhushan Dafle, Advocate for applicant.
Mr.A.M.Deshpande, Addl.G.P. for non applicant nos.1 & 5.

CORAM : ROHIT B. DEO & ANIL L. PANSARE, JJ.
DATED : AUGUST 1, 2022

Heard learned counsel for the parties.

For the reasons stated in the application, the
delay in filing review application is condoned.

The application is disposed of accordingly.

Misc. Civil Application St. No. 5636/2022

Heard learned counsel for the parties.

2. The applicant-original petitioner is seeking review of the order dated 17.11.2021 passed by this Court (Coram: Sunil B. Shukre And Anil L. Pansare, JJ.) in Writ Petition No.1479/2021 and for allowing the said writ petition in terms of prayers made therein.

3. This Court, vide order dated 17.11.2021, has dismissed the petition as not maintainable, mainly on the

ground that the petition pertains to money claim. The said conclusion was found substantiated because of lack of interest shown by the petitioner who remained absent on 17.11.2021, so also prior thereto.

4. The petitioner has filed the present application mentioning therein that Writ Petition No. 1479/2021 has been filed seeking a direction to the respondents to pay outstanding amount of Rs.76,22,058/- towards the performance fee of Koradi Festival 2016-17 along with interest at the rate of 18% per annum. According to the petitioner, the respondents have arbitrarily not released the outstanding dues towards the performance of contract. The petitioner, prior to the institution of the aforesaid writ petition, made every effort to recover its unpaid dues from the respondents. However, the respondent-authorities did not accede to its requests.

5. The petitioner has relied upon judgment of the Hon'ble Apex Court in ABL International Ltd Vs. The Export Credit Guarantee Corporation of India Ltd. and Ors.¹, so also, the decision of this Court in the case of Century Textile and Industries Ltd. .vs. The Municipal Corporation of Greater Mumbai and Ors.,² in support of his contention that if the State acts in an arbitrary manner, even in a matter of contract, an aggrieved party can

1 Civil Appeal No.5409/1998, dated 18.12.2003

2 Writ Petition No.295/2017, dated 14.03.2022

approach the Court seeking issuance of a writ under Article 226 of the Constitution of India.

6. We have given our thoughtful consideration to the arguments advanced by learned counsel for the petitioner. It is well settled that review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omissions or patent mistake or like grave error has crept in earlier by judicial fallibility. The review petition is not and should not be an attempt for hearing the matter again on merit.

7. Thus, there is a limited scope for review of a judgment. The petitioner could not point out a manifest error or error apparent on the face of record. It is not the case of the petitioner that the amount outstanding is not disputed by the respondents. In the circumstances, the finding recorded by this Court vide order dated 17.11.2021 cannot be allowed to be revisited by permitting the petitioner to argue the matter on merit under the garb of filing review petition.

8. The petitioner failed to make out a case for review. The application is, therefore, rejected. No order as to costs.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

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Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 02.08.2022
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