

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

**REVIEW APPLICATION (CIVIL) NO. 225 OF 2023
IN
WRIT PETITION NO. 1983 OF 2020**

Sachin Navnath Dahiwal

...Applicant

Versus

Bharat Petroleum Corporation Ltd.,
through the State Coordinator & Ors.

...Respondents

.....

Mr. R. R. Deshpande h/f Ms Priyanka R. Deshpande – Advocate for the applicant

Mr. Anand P. Bhandari – Advocate for respondent nos. 1 and 2

Mr. Rajendra S. Kasar – Advocate for respondent no. 3

Mr. S. S. Deve – Advocate for respondent no. 4

.....

**CORAM : RAVINDRA V. GHUGE
AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 13th JULY 2023

PER COURT : -

1. The petitioner seeks review of the final order passed by this Court (Coram : Nitin W. Sambre & S. G. Chapalgaonkar, JJ.) dated 11.04.2023 on the ground, that an error apparent on the face of the record can be made out.

2. The petitioner has drawn our attention to the grounds raised in the Review Application (i) to (xvi). A single glance at these grounds would indicate that the petitioner intends to convey that the judgment of this court is bad in law and unsustainable. A host of

reasons are put forth in the 16 grounds trying to contend that the facts of the case, the inappropriate clauses made applicable, the view taken and the conclusions drawn by this court, cannot be sustained as inappreciable clauses were considered for dismissing the petition.

3. In S. Madhusudhan Reddy Versus V. Narayana Reddy and others reported in 2022 SCC Online SC 1034, the Hon'ble Supreme Court has concluded in the light of the earlier judgment delivered in Lilly Thomas and others Versus Union of India and others reported in (2000) 6 SCC 224, that the review application can be considered only if the applicant can point out an error apparent on the face of the record. A review application is not to be entertained for granting an opportunity to the aggrieved party to re-argue the entire proceedings.

4. In Pancham Lal Pandey versus Neeraj Kumar Mishra & Ors. reported in 2023 SCC Online SC 143, the Hon'ble Supreme Court concluded in paragraph nos. 15 and 16 as under : -

15. The provision of review is not to scrutinize the correctness of the decision rendered rather to correct the error, if any, which is visible on the face of the order / record without going into as to whether there is a possibility of another opinion different from the one expressed.
16. The Division Bench in allowing the review petition has dealt with the matter as it is seized of the special appeal itself and has virtually reversed the decision by taking a completely new stand for the payment of salary to teachers' subject-wise. It amounts to rehearing and rewriting the judgment in appeal without there being any error apparent on the face in the earlier order. The Division Bench thus

clearly exceeded its review jurisdiction in passing the impugned order.

5. It is thus trite that the provision of review is not to scrutinize the correctness and sustainability of the decision rendered, rather to correct the error, if any, which is visible on the face of the record/order. A review cannot be considered to find out whether there is a possibility of another opinion different from the one expressed. In **Pancham Lal Pandey** (supra), the Division Bench had allowed the review petition and the Hon'ble Supreme Court concluded that it has dealt with the matter as if it is seized of the special appeal itself and has virtually reversed the decision by taking a completely new stand.

6. The learned advocate for the petitioner has drawn our attention to the affidavit-in-reply filed by the Bharat Petroleum Corporation Ltd., in the Writ Petition and it is strenuously contended that the contents of the affidavit are bad in law. It is further contended that wrong provisions have been cited. It is also contended that this Court has considered provisions inapplicable to the case and has arrived at an erroneous conclusion.

7. In view of the above, we do not find that any error is shown to be apparent on the face of the order. The entire thrust of the petitioner is in pointing out as to how the view taken by this Court is

unsustainable. For such reasons, we are afraid that this application cannot be entertained.

8. In view of the above, **this petition is dismissed.**

[S. G. CHAPALGAONKAR]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE