

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-33-2023 (O&M)
in CWP-29281-2019
Reserved on 24.03.2023.
Date of Decision: 18.04.2023.

AMANDEEP SINGH

.....Petitioner

V/s.

THE UNION OF INDIA AND OTHERS

.....Respondents

CORAM: **HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO**
HON'BLE MR. JUSTICE HARMINDER SINGH MADAN

Present: Mr. Ravi Sharma, Advocate
for the Review Applicant (Respondent No.2).

M.S. RAMACHANDRA RAO, J.

This Review Application has been filed by respondent No.2 in the Writ Petition seeking review of the judgment dt.12.10.2022 passed by this Court in CWP No.29281 of 2019.

By the said order, the Court has allowed the Writ Petition and directed the review applicant/respondent No.2 in the Writ Petition to release the amount of subsidy of ₹3,75,000/- with interest @7% per annum from the date on which such subsidy ought to have been released till the actual date of release to respondent No.4-Bank in the Writ Petition within four weeks and the respondent No.4 was given liberty to adjust the same towards the loan dues of the writ petitioner.

Respondent No.2 in the Writ Petition has now sought review of the said order on the ground that it was not represented as it's official had taken away the file from the counsel prior to COVID-19 period in view of the letter of the Ministry of Law, and the matter was entrusted to the

RA-CW-33-2023 (O&M) in CWP-29281-2019

Page 2 of 3

counsel for the Union of India. It was contended that the certain facts as to the entitlement of the non-applicant-Writ Petitioner for relief under the scheme were not brought to the notice of the Court.

Consideration by the Court

The Writ Petition had been filed in September 2019 and notice of motion had been issued on 14.10.2019.

One Ravi Sharma, Advocate had entered appearance on behalf of review applicant/respondent No.2 in the Writ Petition on 31.10.2019, but for the reasons best known to respondent No.2/Review Applicant, no reply was filed to the Writ Petition by the date it was disposed off on 12.10.2022.

The matter was then listed on 07.05.2022 when an application bearing No.CM-6451-CWP-2022 was filed seeking early hearing of the Writ Petition. The said application was dismissed on 07.05.2022 because the main Writ Petition was fixed only on 20.05.2022.

On 20.05.2022, the matter was again adjourned to 23.08.2022 by order. Thereafter, it was again adjourned to 12.10.2022 and on the said date the Writ Petition was decided by this Court *in presence of the counsel for respondent No.2*.

We may point out that in place of Sri Ravi Sharma, Advocate who had filed vakalat earlier, no new Advocate had filed vakalat from 31.10.2019 till the date of its disposal. If really the respondent no.2 intended to change the counsel, it should have engaged the new counsel immediately after the file was taken away by its official from Sri Ravi Sharma prior to covid-19 pandemic. No explanation is forthcoming for this lapse.

RA-CW-33-2023 (O&M) in CWP-29281-2019

Page 3 of 3

We also fail to understand what prevented review applicant/respondent No.2 in the Writ Petition from getting the reply filed in the Writ Petition before 12.10.2022 in the matter.

The excuse now being toted out about the file being taken away from the said counsel by an official of review applicant during COVID-19 pandemic appears to be an eye-wash to cover up the negligence on it's part in failing to contest the matter though it had engaged the counsel on 31.10.2019, and the matter was disposed on 12.10.2022, two years and ten months later.

We therefore refuse to entertain the instant Review Application since we do not find any error apparent on the face of record in the matter. Accordingly, this Review Application is dismissed.

(M.S. RAMACHANDRA RAO)
JUDGE

(HARMINDER SINGH MADAN)
JUDGE

April 18, 2023
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>