

**RA-CW No.415 of 2023 and
CM-20627-CWP-2023 in
CWP No.23134 of 2019**

1

2023:PHHC:165925

**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RA-CW No.415 of 2023 and
CM-20627-CWP-2023 in
CWP No.23134 of 2019
Date of Decision : 13.12.2023**

M/s Indian Acrylics Limited

.....Applicant/Petitioner

versus

M/s Punjab State Power Corporation Limited and ors ...Respondents

CORAM : HON'BLE MR JUSTICE PANKAJ JAIN

Present : Mr. Aditya Grover, Advocate
for the applicant/petitioner (**through V.C.**)

Mr. Gurminder Singh, Sr. Advocate with
Mr. R.P.S. Bara, Advocate for the respondent-PSPCL.

PANKAJ JAIN, J. (ORAL)

RA-CW No.415 of 2023

This review application filed by the writ petitioner seeking review of judgment/order dated 17th of March, 2023 passed by this Court while deciding CWP No.23134 of 2019.

2. The reason for filing the review application as pleaded by the petitioner is that the petitioner in the main writ petition raised plea w.r.t. eligibility of the petitioner to seek rebate of 1% on the electricity consumption charges being a pre-paid consumer in terms of

Regulation 21 of the Supply Code, 2014. It is submitted that the same has not been calculated while issuing due notice to the petitioner.

3. In answer to Court query Mr. Aditya Grover, Advocate counsel for the petitioner has fairly admitted that on the day the matter was argued no plea w.r.t. Regulation 21 of the Supply Code, 2014 was raised by him.

4. In view of above this Court does not find any reason to entertain the present review application.

5. Law w.r.t. exercise of review jurisdiction is well settled. The Apex Court in the case of **Sivakami and others vs. State of Tamil Nadu and others, (2018) 4 SCC 587** held as under :

“20) The scope of the appellate powers and the review powers are well defined. The power of review under Order 47 Rule 1 of the Code of Civil Procedure, 1908 is very limited and it may be exercised only if there is a mistake or an error apparent on the face of the record. The power of review is not to be confused with the appellate power. The review petition/application cannot be decided like a regular intra court appeal. On the other hand, the scope of appeal is much wider wherein all the issues raised by the parties are open for examination by the Appellate Court.

21) A fortiori, what was not decided in appeal by the Division Bench could not be decided by the Division Bench while deciding the review application. It is for this reason, we are also constrained to set aside the review order.”

6. The same is ratio of law laid down in the case of **Sasi (D)**

**through L.Rs Vs. Aravindakshan Nair and others 2017 AIR (SC)
1432. In Civil Appeal No. 1171 of 2023 decided on 15.02.2023 in
Pancham Lal Pandey Vs. Neeraj Kumar Misra and others Apex
Court held 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."

7. In view of above this Court does not find that the review filed by the applicant/petitioner discloses any error apparent on the face of the record which would warrant exercise of jurisdiction by this Court to review the judgment dated 17th of March, 2023.
8. Resultantly, the review application is dismissed.
9. Since the main review application is dismissed, pending application if any shall also stands dismissed as having been rendered infructuous.

December 13, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No