

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.49 of 2023

In
Civil Writ Jurisdiction Case No.20710 of 2021

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M/s Sarlachem India Pvt. Ltd. having its registered office at Flat No.- 603, Nav Renuka Building, Plot No.- 108, Opposite Balaji Temple, Tilak Road, Ghatkopar, Mumbai- 400077 through its authorized signatory namely Sadik Ali, aged about 59 year, Male, Son of Masood, Resident of A-91, 2/2 Ground Floor, Indira Chand Sant Rohidas Marg, Mukund Nagar, Dharavi, Mumbai.

... .. Petitioner/s

Versus

1. The Chairman, N.T.P.C. Limited N.T.P.C. Bhawan, Scope Complex, Core-77, Institutional Area, Lodhi Road, New Delhi- 110003.
2. The Executive Director-cum-Project Head, N.T.P.C. Limited, Kahalgaon Super Thermal Power Station, P.O. and P.S.- Kahalgaon, District- Bhagalpur- 813214.
3. The Additional General Manager (EMG and AUD), N.T.P.C. Limited, Kahalgaon Super Thermal Power Station, P.O. and P.S.- Kahalgaon, District- Bhagalpur- 813214.
4. The Deputy General Manager (AUD), N.T.P.C. Limited, Kahalgaon Super Thermal Power Station, P.O. and P.S.- Kahalgaon, District- Bhagalpur- 813214.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kr. Mishra, Advocate
(on behalf of petitioner's counsel Mr. Manoj Kumar Jha, Advocate)

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 04-12-2024 Perusal of the grounds in the present civil review petition, the petitioner has not pointed out what is the error committed by the Co-ordinate Bench while passing order dated 10.02.2022 in CWJC No. 20710 of 2021. It is merely stated that on the oral submission made by the counsel for the respondent-



N.T.P.C., this Court has disposed of the matter.

2. The Co-ordinate Bench has recorded that there are disputed questions of fact are involved to the extent that contract was entered among the parties on 5th of July, 2019 and it was to be executed within a time bound period and it has lapsed. Thereafter, once respondent had granted extension for execution of the contract, still review petitioner failed to take necessary steps to execute the contract during the extended period. These things have not been highlighted in the civil review petition under the grounds and to what extent Co-ordinate Bench has committed error is not forthcoming. In the absence of such material information, petitioner has not made out a case for reviewing the order dated 10.02.2022 passed in CWJC No. 20710 of 2021.

3. Scope of review under Section 114 of the CPC read with Order 47 Rule 1 is limited. In this regard, Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.*** reported in **2023 SCC OnLine SC 1406**, in Para 16, elaborately considered eight principles which reads as under:-

*“16. The gist of the afore-stated decisions is that:
(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.*



- (ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.*
- (iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.*
- (iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”*
- (v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”*
- (vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.*
- (vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*
- (viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.”*

In the light of the principles laid down by the Hon’ble Supreme Court in the aforementioned judgement, present civil review is not entertainable. Accordingly, present civil review petition stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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