

D/L.34.
April 26, 2024.
MNS.

RVW No. 109 of 2024
in
WPA No. 812 of 2024

Sitaram Mondal
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Sitaram Mondal

...Review applicant in person.

Dr. Madhusudan Saha Roy

...for the WBSEDCL.

1. Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL), at the outset, takes a preliminary objection as to the maintainability of the review petition on the ground that the parameters of Order XLVII of the Code of Civil Procedure, 1908, are not applicable.
2. The review applicant is appearing in person with leave of court. As such, a lenient view is taken in the matter and the review applicant is heard, although it transpires *ex facie* from the averments in the review petition that no ground of review has been made out.
3. The review applicant expresses his inability to bear the huge amount of Rs.22,500/- for seeking shifting of an electricity pole.

4. It is submitted by the petitioner that the electricity pole sought to be shifted by the petitioner was installed in its original location for the convenience of a private party and as such, the review applicant should not be asked to bear any amount for such shifting.
5. However, as rightly pointed out by learned counsel for the WBSEDCL, such fact was available to the petitioner at the time when the order under review was passed.
6. The order under review was passed by this court only after considering all facets of the matter. The grounds taken by the review applicant now, if entertained, would entail a *de novo* hearing of the writ petition, which is not permissible in the review jurisdiction.
7. Definitely if the review applicant is aggrieved on merits with the order, it is open to the review applicant to prefer an appeal.
8. However, the basic parameters of a review applicant as provided in Order XLVII of the Code of Civil Procedure are not applicable in the present case.
9. Accordingly, RVW No. 109 of 2024 is dismissed on contest.
10. However, liberty is granted to the review applicant, if aggrieved by the order under review, to prefer a challenge by way of an

appeal against the said order without being prejudiced in any manner by the present dismissal.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)