

February 1, 2024
ARDR (4)

RVW 149 of 2023
In
WPA 4821 of 2020
+
CAN 2 of 2023
(Already disposed of)

Naresh Road Lines Pvt. Ltd.
Vs.
Estate Officer, Central Warehousing
Corporation & ors.

Adv. Tapas Kumar Manna,
Adv. Anindita Majumder,
...for the applicant/petitioner.
Adv. Samrat Chowdhury,
...for the respondent nos. 1,3 & 4.

Inadvertent error has crept into the order passed on
8th January, 2024.

In the said order 23rd November, 2023 be read as
February 1, 2024.

The department is directed to incorporate necessary
correction accordingly.

This order be treated as part of the order dated 8th
January, 2024.

Affidavit of service filed by the applicant/petitioner is
taken on record.

None appears for the respondent nos. 2,5 and 6,
despite service.

The applicant/petitioner has sought review of the
order passed by this Court on 8th June, 2023 on the
ground that this Court overlooked to observe the order of
the Estate Officer in its entirety and also erred in

considering that the report in the form of affidavit as to the present status of the property filed by the Central Warehousing Corporation did not depict the actual status. Several other grounds for review have been taken by the applicant/petitioner which are on merits of the writ petition.

The scope of review of a writ petition or for that matter any case disposed of by a Court is limited. The order under review was passed upon hearing the petitioner and the respondents and it was admitted by the parties that the said order was already implemented and possession of the storage space in question was handed over to Kolkata Port Trust by Central Warehousing Corporation.

Since the Order XLVII Rule 1(1) of the Code of Civil Procedure is reproduced below in order to adjudicate whether the order dated 8th June, 2023 can be reviewed by this Court.

“1. Application for review of judgment. (1) Any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him

at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

In the case in hand, despite the order having been passed upon admission made by the parties, the applicant/petitioner seeks to reopen the case on merits in the garb of review. Further, the applicant/petitioner has referred to errors which according to him was committed by this Court on merits in passing the order under review, which in my considered view, cannot be termed as a mistake or error apparent on the face of the record. This Court, I am afraid, cannot sit in appeal against its own order and rehear the writ petition on merits in the garb of review.

In view of the above, the review application, being RVW 149 of 2023 is dismissed.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)