

S/L 1
20.08.2024
Court. No. 551
Sourav

**RVW 225 of 2024
With
CAN 1 of 2024
With
WPA 30485 of 2016**

**The Indian Jute Industries Limited & Anr.
Vs.
Regional Provident Fund Commissioner-II & Ors.**

*Mr. Soumya Majumder
Mr. Paritosh Sinha
Mr. Amitava Mitra
Ms. Sonia Nandy*

...for the petitioners/applicants.

Ms. Aparna Banerjee

...for the respondents.

1. The affidavit-of-service as filed today is taken on record.
2. The instant review petition has been filed in respect of the judgment dated 08.07.2024 as passed by this Court in WPA 30485 of 2016 at the instance of the writ petitioners.
3. In course of hearing, Mr. Majumder, learned advocate for the review petitioners submits before this Court that while dismissing the writ petition being WPA 30485 of 2016, this Court has probably not taken the cognizance of Page No. 159 of the writ petition. It is further submitted on behalf of the review petitioners that in the judgment dated 08.07.2024 as passed in the aforementioned writ petition, the submission of the learned advocate for the writ petitioners with regard to Annexure P-27 (at Page No. 159 of the writ

petition) was not properly recorded and, therefore, a serious prejudice has been caused to the writ petitioners for which the review is very much necessary.

4. It is further submitted by Mr. Majumder that in the said judgment, the submission of the learned advocate for the writ petitioners regarding the factum of withdrawal of the attachment order of the bank account of the writ petitioners was also not properly reflected.
5. Ms. Banerjee, learned advocate for the opposite party/Provident Fund Authority while opposing the contention of Mr. Majumder, learned advocate for the review petitioners draws attention of this Court to paragraph 5 of the judgment dated 08.07.2024 as passed by this Court in WPA 30485 of 2016. It is submitted further by Ms. Banerjee that in the said paragraph, this Court has duly recorded the submission of the learned advocate for the writ petitioners in respect of Annexure P-27 of the writ petition (at page no. 159 of the writ petition).
6. It is submitted further that since no case has been made out for review of the judgment within the meaning of Order 47 Rule 1 of the Code of Civil Procedure, the instant review application may be dismissed.
7. For effective adjudication of the instant review application, this Court proposes to have a glance to

the provision of Order 47 Rule 1 CPC and the same is reproduced hereunder in verbatim:

“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.*

(2) *A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.*

[Explanation.- The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.]”

8. Keeping in mind the aforementioned legislative provision, if I look to the review application as filed on behalf of the review petitioner, it appears to this Court that it is not the case of the review petitioner that review is very much necessary either on account of the discovery of new and important matter or evidence which, after exercise of due diligence was not within his knowledge or could not be produced at the time of hearing when the aforementioned judgment was passed or on account of some mistake or error apparent on the face of the record or for any other sufficient reason.
9. As rightly pointed out by Ms. Banerjee that the grievance of the review petitioners, this Court has not recorded the submission of the learned advocate for the writ petitioners in respect of Annexure P-27 of the writ petition at Page No. 159 of the said writ petition. In considered view of this Court, it is not correct since the matter has been elaborately discussed in paragraph 5 of the aforesaid judgment.
10. It is settled principle of law that while exercising the review jurisdiction, this court cannot sit on an appeal of its own judgment. Since the review petitioners have miserably failed to raise any plausible ground for entertaining the instant review application within the meaning of Order 47 Rule 1 of the Code of Civil Procedure, this Court finds that the instant review petition is devoid of any merit and is thus, dismissed.

11. Accordingly, the instant review petition being RVW 225 of 2024 is dismissed.
12. There shall, however, be no order as to costs.

(Partha Sarathi Sen, J.)