

AD-33
Ct No.09
23.02.2024
TN

RVW 282 of 2023
IA No: CAN 1 of 2023
In WPA 21590 of 2023

Sri Amitabh Doss and others
Vs.
The State of West Bengal and others

Mr. Biswaroop Bhattacharya,
Mr. Soumava Mukherjee,
Mr. Subhankar Chatterjee

.... for the review applicants/
petitioners

Mr. Amal Kr. Sen, Ld. AGP,
Mr. Lal Mohan Basu

.... for the State

Mr. Anirudha Chatterjee,
Mr. Varun Kothari,
Mr. Rajesh Upadhyay

.... for the respondent nos. 8 to 12

In Re: RVW 282 of 2023
IA No: CAN 1 of 2023

1. Learned counsel for the review applicants submits that the respondent no. 7-company is running the show in the affairs of the housing complex, which is the subject-matter of the dispute.
2. It is contended that some of the documents annexed to the writ petition were not considered by this court while passing the order under review dated October 11, 2023.
3. Learned counsel seeks to impress upon this court that if such documents were considered, the

outcome of the writ petition might have been otherwise.

4. It transpires that the review application annexes several documents, which were part of the writ petition.
5. However, the arguments now sought to be advanced by the review applicants do not come within the purview of error apparent on the face of the record.
6. The *sine qua non* of a review is that there must be an error apparent on the face of the record or discovery of new material or some other ground akin to those.
7. The question of discovery of new material does not arise here since the materials were already annexed to the writ petition.
8. Insofar as the alleged error in the order is concerned, the same cannot be apparent on the face of the records, since a detailed re-hearing of the writ petition itself is required, upon a re-appraisal of several annexures to the same, for coming to a conclusion on the contentions of the review application.
9. The said exercise, as is well-settled, is entirely beyond the scope of a review.

- 10.** Accordingly, RVW 282 of 2023 and the connected application, that is, IA No: CAN 1 of 2023 are dismissed without any order as to costs.
- 11.** 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.)