

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.38 of 2024**

1. Union of India, Ministry of Railway, Through The Principal Chief Commercial Manager All Zonal Railway, New Delhi
2. Deputy Director, Traffic Comm'l(G)-I, Railway Board, New Delhi
3. Senior Divisional Commercial Manager, South East Central Railway, Raipur (CG)
4. Station Director, South East Central Railway, Raipur (CG)
5. General Manager, Zonal Railways, Raipur (CG)

---- Petitioners

Versus

Dalvir Kaur W/o Manjeet Singh Aged About 53 Years R/o House
No.D-18, Chouhan Town, Junwani Road, Smriti Nagar, Bhilai,
Durg (CG)

---- Respondent

For Petitioners : Mr.Ramakant Mishra, Deputy Solicitor General

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****5.3.2024**

1. Heard Mr.Ramakant Mishra, learned Deputy Solicitor General for the petitioners.
2. The petitioners have filed this review petition against the order dated 14.12.2023 passed by this Court in WPC No.5055/2023,

whereby the Division Bench of this Court has partly allowed the writ petition filed by the respondent herein.

3. Learned Deputy Solicitor General appearing for the petitioners submits that the petitioners have invited a tender on 08.11.2023 for a parking lot of two wheeler and four wheeler at Railway Station, Raipur. The respondent has submitted online bid but he was not found successful as per Clause 2.2 of the Standard Condition of Contract for the Contracts awarded through e-Auction, wherein the required documents submitted by the respondent was not found eligible by the petitioner authority. He further submits that the contract would be awarded to the bidder who places his bid above the reserve price subject to the required turnover of the tender. If in e-auction a particular bidder places his bid more than the reserve price, then the bidder will be awarded a partial lot, but the lot/tender process is completed only after the document verification mentioned above submitted by the respondent. He also submits that the petitioners have taken action as per the rules and regulations of Railway Board. The respondent had made the highest bid in the auction by simply bidding more than the reserve price but the necessary documents like Audited Balance Sheet, Profit & Loss Statement were not submitted by the respondent. The respondent had to deposit Rs.6,25,000/- as EMD/SD amount to participate in the tender, which was deducted as per rules. In the instant case, the

petitioner authority has followed the Standard Condition of Contract for forfeiture of the amount of Rs.6,25,000/- earnest money deposit as the petitioner authority has found the documents invalid which was submitted by the respondent in the tender process. As such, the review petition deserves to be allowed and the order dated 14.12.2023 passed by this Court in WPC No.5055/2023 may be recalled/reviewed.

4. We have perused the impugned order under review.
5. It is well settled that scope of review jurisdiction is extremely limited and only an error apparent on face of record can be corrected in the said jurisdiction and re-appraisal/re-appreciation cannot be done in exercise of said jurisdiction as that would amount to exercise of appellate jurisdiction which is impermissible in law (pl. See **Devaraju Pillai v. Sellayya Pillai**¹, **Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)**², **Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others**³, **Lily Thomas etc. v. Union of India and others**⁴, **Akhilesh Yavad v. Vishwanath Chaturvedi and others**⁵ and **Sasi (D) through LRS. v. Aravindakshan Nair and others**⁶.)
6. The grounds raised by review petitioners in this review petition cannot be permitted to be raised in review petition. Even

1 (1987) 1 SCC 61
 2 (1995) 1 SCC 170
 3 (1996) 10 SCC 174
 4 AIR 2000 SC 1650
 5 (2013) 2 SCC 1
 6 (2017) 4 SCC 692

otherwise, there is no error apparent on the face of record in the impugned order under review warranting invocation of review jurisdiction.

7. Accordingly, the review petition is dismissed. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

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