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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 45 OF 2024
IN
WRIT PETITION NO. 1048 OF 2024

Abdul Aziz son of Late Ashraf Baig & Ors ...Petitioners
Versus
Apex Grievance Redressal Committee & Ors ...Respondents

WITH
REVIEW PETITION NO. 52 OF 2024
IN
WRIT PETITION NO. 859 OF 2024

Shamsunnisa Saeed Ahmed & Ors ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

Mr Vivek Shukla, *with Fayzan Khan & Bushra Sayed, i/b Trupti Gaikar, for the Petitioners in both Review Petitions.*
Mr Jagdish G Aradwad (Reddy), *for Respondents Nos 1 to 3-AGRC & SRA in both Review Petitions.*
Mr Aditya Miskita, *with Neha Mehta, Aayushi Gohil, Umair Merchant & Ria Sawant, for MT Miskita & Co, for Respondent No 4- Budhpur Buildcon Pvt Ltd in both Review Petitions.*
Mr Saurabh Utangale, *for Respondent No 5-MHADA in both Review Petitions.*

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**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 22nd April 2024

PC:-

1. Review is sought of our order and judgment dated 23rd February 2024. This is pressed on the footing that the judgment is *per incuriam*. What is being attempted is now a reopening of the case on merits. The judgment is a detailed 68-page reasoned judgment that does not seem to have been set aside in appeal. In fact, there is a long history noted. In paragraph 86 of the judgment, our attention was drawn to the decision of a Division Bench of this Court in *Om-Sai Darshan CHSL (Proposed) v State of Maharashtra*.¹ We followed that. It is now sought to be argued in a Review Petition that the decision in *Om-Sai Darshan* (H.L. Gokhale and Abhay S Oak JJ as they then were) is *per incuriam* and therefore our judgment is also *per incuriam*.

2. The entire Review Petition is fundamentally misconceived and not maintainable. Just the mere fact that a judgment refers to a precedent and a submission is to be made on the precedent cited does not make the judgment in question susceptible to Review. The Petitioners seem to forget that we did not hold as we did on 23rd February 2024 only because of the decision in *Om-Sai Darshan*. To put it differently, even without the reference to the *Om-Sai Darshan* precedent our judgment would have been the same. Besides the Review Petition now attempt a substantive challenge on merits.

1 2006 SCC OnLine Bom 480: (2007) 1 Bom Cr 476.

3. The Review Petition is entirely without merit. It is rejected. For the reasons set out above, Review Petition No 52 of 2024 is also rejected.

4. We have declined to note at copious length every submission made by learned Advocate for the Review Petitioners. What we have held is enough for a disposal. We refuse to take those written submissions on record. It is not the law that every single submission made by an Advocate must be noted and dealt with when the Petition on the matter at hand can be disposed of on the central aspect of it.

(Kamal Khata, J)

(G. S. Patel, J)