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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2414/2024**

UNION OF INDIAPetitioner

Through: Mr. Vijay Joshi, Adv.

versus

M/S JAY SHREE METALS AND ENGG. CO.Respondent

Through: Appearance not given.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

% **ORDER**
13.08.2024

REVIEW PET. 275/2024 (by petitioner for review of judgment dt. 05.07.2024)

1. This application seeks review of the judgment dated 05.07.2024, passed in CM(M) 2414/2024, whereby the findings recorded by the Court below were upheld and the petition was dismissed vide a reasoned judgment examining every aspect including the submissions made by the learned counsel for the Petitioner and Respondent.
2. Having heard the learned counsel for the petitioner and having minutely perused the judgment in light of the submissions made by the learned counsel for the petitioner, this Court is constrained to reject the review application at the threshold, due to lack of the merit.
3. The petitioner has reiterated the same arguments as were presented in the initial petition, which this Court addressed in its judgment dated



05.07.2024. In paragraphs 21 to 23 of the judgment, this Court clearly explained its reasons for rejecting the petitioner's contentions. For completeness, the relevant paragraphs are reproduced below:-

"21. It is noticed that the learned Trial Court issued court notices to the petitioner upon transfer of the case from this Court to District Courts on 09.05.2017 and 03.10.2017. Thereafter, the court notice was issued to the Panel Counsel in High Court on 19.04.2018. It is an undisputed position that the court notice issued to the Panel Counsel of petitioner department in High Court was served.

22. Its lamentable state that officers of the petitioner department did not care to make any enquiry regarding the progress of the petition from the Panel Counsel for over a period of Four years which reflects regretful penitent of the department for being grossly negligent and ignorant about the petition filed by the petitioner department in court of law despite being equipped with a law department and assemblage of Advocates and law officers.

23. The petitioner has also failed to explain as to why its Panel Counsel did not inform the petitioner about the receipt of the court notice. Even otherwise, there is no explanation for not approaching the Trial Court immediately upon the receipt of the notice of the execution petition and a further three months time was spent in filing the restoration application."

4. The learned counsel for the petitioner had placed reliance upon the following judgments to support his pleas:-

(i) *Ibrat Faizan vs Omaxe Builhome Private Limited, 2022 SCC OnLine SC 620.*

(ii) *Radha Bhattad vs Rashmi Cement Limited, 2023 SCC OnLine Cal 2570.*

(iii) *M.M. Thomas vs. State Op Kerala And Anr AIR 2000 SCC 540.*

5. However, the judgments relied upon by the petitioner are decided on their own facts, distinguishable from the facts of the present case. There is no mistake or error found in the judgment dated 05.07.2024. In fact, it appears that petitioner is now trying to re-argue the matter on merits. This



cannot be permitted within the limited ambit of review jurisdiction.

6. For the reasons stated above, there is no ground made out for review.
This review application is accordingly dismissed.

SHALINDER KAUR, J

AUGUST 13, 2024
SDS