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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16645/2022**

RAKESH CHOPRA

.....Petitioner

Through: Mr. Rajive Bhalla, Sr. Advocate with
Mr. Nitin K. Gupta and Mr. A.
Kapoor, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Avnish Singh, SPC with Ms.
Kanchan Kumari, Mr. Vishal Kumar
Yadav and Mr. Anant Yadav,
Advocates alongwith Mr. Rajesh
Pand, UDC and Naib Sub. Shyam
Singh Negi, for UOI
Mr. Debal Kumar Banerjee, Sr.
Advocate with Mr. P. Kaushal, Ms.
Rachna Ranjan and Mr. Pranay
Ranjan, Advocates for R-6

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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20.01.2025

CM APPL. 1956/2025-By petitioner for recalling order/judgment dt. 08.05.2024 to the extent of observations in paras 7, 11 and 12 in present petition on the ground of fraud played by R-6.

1. This is an application filed by the petitioner seeking recall of the order dated 08.05.2024 vide which the Writ Petition was rejected by this Court



after passing a detailed order.

2. Learned senior counsel for the petitioner seeks to contend that even with the backdrop that the petitioner initially preferred a Review Petition for seeking review of the said order dated 08.05.2024, the same was then withdrawn on 14.05.2024, whereafter the petitioner had also preferred Special Leave Petitions being SLP(C) Nos.7158-7159/2024 before the Hon'ble Supreme Court assailing the very same order dated 08.05.2024, the petitioner is entitled to seek recall of the order as it is now evident from the record that the respondent no.6 had made a patently false statement before this Court on the date of passing of the order dated 08.05.2024. In view thereof, he prays that the said impugned order dated 08.05.2024 is liable to be recalled.

3. The application, on the other hand, is vehemently opposed by Mr. Debal Kumar Banerjee, learned senior counsel for the respondent no. 6 who appears on advance notice, primarily on the ground that the grounds taken by the petitioner in the present application are the very same grounds earlier taken by the petitioner on the earlier two occasions, once in the Review Petition which was dismissed as withdrawn on 14.05.2024 and thereafter also in the Special Leave Petitions before the Hon'ble Supreme Court which also came to be dismissed on 02.09.2024, and on both the occasions, the petitioner was not granted any liberty to again approach this Court to challenge the very same order dated 08.05.2024 by way of the present Recall Application.

4. Having considered the submissions of learned senior counsel for the parties, we are of the view that once the very same ground of purported fraud on the part of the respondent no.6 has already been tested twice over,



once in the Review Petition, as also hence again by the Hon'ble Supreme Court in the Special Leave Petitions, it is no more open for this Court to re-examine the very same aspect. We, therefore, find no reason to entertain the present application.

5. The application is, accordingly, dismissed.

CM 3177/2025-By petitioner seeking directions for taking RTI reply dt. 05.11.2024 on record.

6. In view of the order passed in CM APPL. 1956/2025, no order is called for in the present application, which is accordingly dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 20, 2025/akr