

03.09.2025
Item No.1
Ct. No.01
SM/RP

RVW/171/2025
with
CAN/1/2025
with
MAT 806 of 2024
with
FMA 735 of 2024

**CHAIRMAN CUM MANAGING DIRECTOR FOOD
CORPORATION OF INDIA AND ORS.
VS.
SUNIL SAHA AND ORS.**

Mr. Devajyoti Barman, Adv.
Ms. Sanjukta Basu Mallick, Adv.
...For the Review Applicant/
Appellant

Mr. Samrat Chowdhury, Adv.
...For the Respondent No.4/
Central Warehousing Corporation(CWC)

Mr. Debabrata Saha Roy, Sr. Adv.
Mr. Pingal Bhattacharyya, Adv.
Mr. Neil Basu, Adv.
Mr. Sankha Biswas, Adv.

1. This review application has been filed by the Food Corporation of India seeking to review the judgment and order dated 6th May, 2025, in MAT No.806 of 2025 with FMA No.735 of 2024.
2. The learned advocate appearing for the review applicant has vehemently contended that the Court has referred to a letter of the Central Warehousing Corporation (hereinafter referred to as 'CWC') dated 10th April, 2013, in paragraph 17 of the judgment and has given an interpretation as regards the amount payable and the interpretation made

by the Court with regard to the said communication is incorrect and the writ petitioner did not file any supporting documents in support of their claim and the letter of CWC dated 10th April, 2013, does not substantiate the total amount and it is restricted only to recovery of Rs.27,98,100/- and nothing more. Furthermore, it is submitted that in paragraph 4 of the said letter the figure as Rs.27,06,798/-, which is incorrect. Apart from that, in the paragraph 5 of the letter certain figures have been mentioned which relate to storage charges etc., which is no way connected with the claim. Furthermore, the learned advocate has also referred to a letter written by CWC dated 20th January, 2014, and submitted that there is a reference to the letter dated 10th April, 2013, and in the said letter also the figure has been noted as Rs.27,98,100/-

3. In our considered view, the grounds which have been canvassed in the review application are not grounds of review but grounds of appeal. Interpreting the communication, we have given our reasons as to why the writ petitioner would be entitled to claim and the finding recorded in the judgment is not confined to the letter dated 10th April, 2013. It is settled legal position that a review application is not appeal in disguise. Therefore, we are not satisfied to hold that the review applicant has failed to point out any error apparent on the face of the judgment warranting exercise of review jurisdiction.

4. Thus for the above reason, RVW 171 of 2025 along with CAN 1 of 2025 is dismissed.
5. No costs.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

[T.S. SIVAGNANAM]
CHIEF JUSTICE

[CHAITALI CHATTERJEE (DAS), J.]