

05.08.2025
(D/L-14)
Ct. No.4
(B.K.N.)

R.V.W. 151 of 2025

**Sri Nemai Roy
Vs.
The State of West Bengal & Others**

In

W.P.S.T. 142 of 2018

**Sri Nemai Roy
Vs.
The State of West Bengal & Others**

Mr. Tarapada Das,
Mr. Mahadeb Khan

...for the Petitioner

Mr. Pinaki Dhole,
Mr. Avishek Prasad

...for the State

1. Heard the learned counsel for the petitioner and the learned counsel for the State.
2. The learned Advocate for the Review Petitioner submits that the order under review is legally unsustainable. Submissions are advanced as if, review jurisdiction can be invoked for a rehearing of a matter on merits.
3. The contours of review is by now settled in law. The review jurisdiction can be invoked based on discovery of new important evidence which despite due diligence could not be produced by the petitioner at the time of disposal of the writ petition or on account of a mistake or error

apparent on the face of the record. No such case is made out in the present application nor the learned Advocate has pointed out any other sufficient reason for review of the order passed in the writ proceedings.

4. The nature of argument advanced if accepted would amount allowing the petitioners to argue and appeal in the guise of review. It is trite that review jurisdiction cannot be availed for rehearing of the matter because the judgment is not to the liking of the party. In this connection we are guided by recent decision of the apex Court in the case of **Shri Ram Sahu (Dead) Through Legal Representatives and Others vs. Vinod Kumar Rawat and Others** reported in **(2021) 13 SCC 1** the relevant extract of which reads as under:

“7. While considering the aforesaid question, the scope and ambit of the Court's power under Section 114 read with Order 47 Rule 1CPC is required to be considered and for that few decisions of this Court are required to be referred to.

7.1 *In Haridas Das v. Usha Rani Banik [Haridas Das v. Usha Rani Banik, (2006) 4 SCC 78] while considering the scope and ambit of Section 114CPC read with Order 47 Rule 1CPC it is observed and held in paras 14 to 18 as under : (SCC pp. 83-84)*

“14. In Meera Bhanja v. Nirmala Kumari Choudhury [Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170] it was held that : (SCC pp. 172-73, para 8)

‘8. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and

ambit of Order 47 Rule 1CPC. In connection with the limitation of the powers of the court under Order 47 Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court in Aribam Tuleshwar Sharma v. Aribam Pishak Sharma [Aribam Tuleshwar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389] speaking through Chinnappa Reddy, J. has made the following pertinent observations : (SCC p. 390, para 3)

“3. ... It is true ... there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found, it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court.” ’

5. No grounds have been made out for review of the order passed in the writ proceedings. The Review Application is misconceived and accordingly dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)