

103 **RAKESH KUMAR PANDOVE**
 VS
 DILRAJ SINGH IAS

Present: Mr. Dharmender Singh Rawat, Advocate
 for the review applicant/petitioner.

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1. The present review application has been filed in contempt petition.
2. A perusal of the contempt petition shows that order dated 28.02.2024 was fully complied with, therefore, the contempt was purged and rule was discharged vide order dated 02.09.2025.
3. The review applicant has filed the present review application in contempt petition by reagitating the issues and by adding additional issues, which is not the scope of review.
4. The review applicant in the garb of present review application wants rehearing of the contempt petition.
5. The principles as regards the scope and extent of review jurisdiction of the Court, have been summarized by the Hon'ble Supreme Court in Kamlesh Verma v. Mayawati and others 2013 (8) SCC 320 and were reiterated by this Court as well, in the case of Columbia Holdings Pvt Ltd and others v. State of Haryana and others RA-CW-357 of 2015. The principles set out as regards scope and extent of review jurisdiction in various judicial precedents may be summarized as follows:-

A. Exercise of review jurisdiction is called for only in cases where one of the following grounds exists:

- (i) When there is discovery of new and important matter or evidence, subject to the fulfillment of the following conditions:-

- a. new matter/evidence discovered is of such nature which could change the judgment.
 - b. such new matter/evidence was not within the knowledge of the party seeking review
 - c. same could not be produced before court even after due diligence
- (ii) When mistake or error apparent on the face of the record.
- (iii) When there exists "any other sufficient reason", which is interpreted as analogous to the aforesaid two grounds.

B. The review jurisdiction is not exercisable on following grounds:-

- (i) Only a "patent error" and not a "mere wrong decision" can be said to be an error apparent on the face of record.
- (ii) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (iii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (iv) If a matter is required to be first reheard and then corrected, it would be an appeal under the guise of review
- (v) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (vi) The power of review is to be exercised for "correction of mistake" and not for "substitution of view". Substitution of view would be the province of an appellate court.
- (vii) Merely because a document which was forming part of the record was not considered at the time of deciding the case cannot be categorized as a mistake or error apparent on the face of record.
- (viii) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.
- (ix) The mere possibility of two views on the subject cannot be a ground for review.

- (x) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.
- (xi) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.
- (xii) Failure to argue a point at the time of hearing of the matter by the court, is also not a ground for seeking review as it would be a case where the existing material was overlooked by counsel and not a case of excusable misfortune or mistake.

6. Justice Krishna Iyer, in **Northern India caterers (India) Ltd. v. Lt. Governor of Delhi 1980 (2) SCC 167**, while highlighting the limited scope of review of judgement observed as under:

"A plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon".

7. In "**Shri Ram Sahu (dead) through legal representatives and others v. Vinod Kumar Rawat and others**" reported in (2021) 13 Supreme Court Cases 1, the Hon'ble Apex Court considered the scope and ambit of the Court's power to review under Section 114 read with Order 47 Rule 1 of the CPC and held that the power to review was not an inherent power of the Court. It must be conferred by law either specifically or by necessary implication. A review cannot be an appeal in disguise. A re-hearing of the matter is impermissible in law. It is beyond doubt or dispute that the review Court does not sit in appeal over its own order. It only constitutes an *exception to the general Rule* that once a judgment is signed and pronounced it should not be altered.

8. Under Order 47 Rule 1 CPC, the Court can review its decision on the following grounds:

“1. Application for review of judgment:-

1. Any person considering himself aggrieved-

- a. By a decree or order from which an appeal is allowed, but from which no appeal has been preferred,
- b. By a decree or order from which no appeal is allowed, or
- c. By a decision on reference from a Court of small causes, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

2. A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when being respondent he can present to the appellate court the case on which he applies for the review.”

9. The expression “*any other sufficient reason*” has to be interpreted in the light of other specific grounds. An erroneous decision/order cannot be corrected in the guise of exercise of power of review.

10. The principles culled out in “***Gopal Singh v. State Cadre Forest Officers Assn.***” reported in (2007) 9 SCC 369, are reproduced herein below:

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- (i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a civil Court under Section 114 read with Order 47 Rule 1 CPC.

- (ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.
- (iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
- (iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).
- (v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.
- (vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger Bench of the Tribunal or of a superior Court.
- (vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/ decision as vitiated by an error apparent.
- (viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier."

11. In ***"Aribam Tuleshwar Sharma v. Aribam Pishak Sharma"*** reported in (1979) 4 SCC 389, it has been observed by Apex Court as under:

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3.... It is true as observed by this Court in Shivdev Singh v. State of Punjab 10, there is nothing in Article 226 of the Constitution to preclude a 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.

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12. In the recent judgment of Apex Court in “**Sanjay Kumar Agarwal v. State Tax Officer (1) and another**” reported in (2024) 2 Supreme Court Cases 362, it has again been reiterated that a party was not entitled to seek a review merely for the purpose of re-hearing. The relevant extract thereof is reproduced herein below:

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10. It is also well-settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

11. In **Parsion Devi v. Sumitri Devi**, this Court made very pivotal observations: (SCC p. 719, para 9)

"9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under

Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise". (emphasis supplied)

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13. In view of the above referred to judgment, no ground for review is made out. Accordingly, the same is **dismissed**.

November 27, 2025

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(SUDEEPTI SHARMA)
JUDGE