

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.277 of 2023**

**In**  
**CIVIL REVISION No.309 of 2016**

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1. The State of Bihar through the Principal Secretary, Water Resource Dept, Govt. of Bihar Sinchai Bhawan, Patna.
  2. The Chief Engineer, Water Resources department, Bhagalpur at Bhagalpur.
  3. The Superintending Engineer, Water Resource Department, Bhagalpur Circle at Bhagalpur.
  4. The Executive Engineer, Ganga Pump Canal Division, 02, Bateshwar Asthan Shivir, Shivnarayanpur, Kahalgaon, Bhagalpur.

... .. Petitioner/s

Versus

Classicon Construction 1 Pvt. Ltd., through its Managing Director Deepak Kumar Sinha Son of Shiva Shankar Sinha Resident of Boring Canal Road, P.S.-Sri Krishna Nagar, District-Patna.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr. Alok Kumar Rahi (A.C. To A.A.G. 4)                                                      |
| For the Opposite Party/s : | Mr. Md. Waliur Rahman, Adv.<br>Ms. Anju Kumari Sinha, Adv.<br>Mr. Nishant Kumar Sinha, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

13    01-05-2026

**Re: I.A. No. 01 of 2023**

This interlocutory application has been filed for condoning the delay of 156 days in filing the present Civil Review application.

2. Learned counsel for the petitioners submits that impugned order under review was passed on 23.03.2023 by this Court. Thereafter, the file was produced before the Joint Secretary for taking decision for filing S.L.P.. On 28.03.2023, the decision was taken to obtain legal opinion from the Law



Department and the said decision was obtained by the Secretary on 31.03.2023. Thereafter on 02.04.2023, the file was sent for preparation of statement of facts to the concerned lawyer, whereafter the file returned on 31.05.2023. On 16.06.2023, the file was again sent to the Law Department for its opinion, thereafter, on 22.06.2023, the learned Advocate General made some query with regard to the factual aspects of the work and the file was returned to the Department concerned. After furnishing the required opinion, the file was further sent to the Law Dept. on 30.06.2023 and the legal opinion of the learned Advocate General was recorded on 1.07.2023 with an opinion to file Civil Review in place of S.L.P. before the Hon'ble Apex Court. Thereafter, on 15.07.2023, the file was sent for necessary correction in the statement of facts in the light of opinion by the learned Advocate General. After receiving such necessary correction, the present file was endorsed to the learned Additional Advocate General No. 4 on 15.08.2023 for filing Civil Review against the order dated 23.03.2023 passed in Civil Revision No. 309/2016. Thereafter, the present Civil Review application has been filed on 03.10.2023.

3. Learned counsel for the petitioners further submits that there is no deliberate laches on the part of the petitioners,



rather, the time was consumed in taking required permission for filing proper appeal from the concerned authorities.

4. On the other hand, learned counsel for the opposite party vehemently opposed the prayer for condoning the delay in filing the present case. It is submitted that the explanation given by the learned counsel for the petitioners that the time was consumed due to movement of files which caused 156 days delay in filing the present case is not sufficient for condoning the delay.

5. Considering the aforesaid facts and averments made in the interlocutory application as well as explanation given the interlocutory application, the delay in filing the present case is condoned.

6. Accordingly, I.A. No. 01 of 2023 is allowed.

**Re: Civil Review No. 277 of 2023**

7. This Civil Review application has been filed for reviewing the order dated 23.03.2023 passed in Civil Revision No. 309 of 2016 by this Court, whereby, this Court has allowed the Civil Revision application and set aside the Award dated 26.09.2016 with regard to Column (iv) of the learned Tribunal's order and opposite parties/petitioners were directed to pay the amount on calculation arising out of 7% of the remaining work



to the petitioners.

8. Having heard the learned counsel for the petitioners and learned counsel for the opposite parties, this Court is of the view that this Review application has been filed to re-agitate and re-argue the merit of this case which has already been addressed and decided.

9. *“Scope of review is limited and under the guise of review, the petitioner cannot be permitted to re-agitate and re-argue the questions, which have already been addressed and decided”*. This view has been taken in the case of ***Shanti Conductors Private Limited Vs. Assam State Electricity Board & Ors.*** and its analogous cases reported in ***(2020) 2 SCC 677***.

10. The scope of review has been reiterated by the Apex Court time to time. The Hon’ble Apex Court in ***Parsion Devi Vs. Sumitri Devi*** reported in ***(1997) 8 SCC 715***, has held that *“under Order 47 Rule 1 C.P.C., 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 C.P.C.. In exercise of jurisdiction under Order 47 Rule 1 C.P.C.*



*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”.*”

11. The case of ***Union of India Vs. Sandur Maganese and Iron Ores Limited*** reported in (2013) 8 SCC 337 has been adverted to and delineated on some of the grounds as to when the review will not be maintainable has been referred in ***Kamlesh Verma Vs. Mayawati & Ors.*** Reported in (2013) 8 SCC 320, wherein, the Apex Court has decided the principle when the review will not be maintainable. In Clause (vi) of paragraph 20.2, it has been held that “*mere possibility of two views of the subject cannot be a ground for review*”

12. Having gone through the aforementioned judgment, it is evident that the question raised for review in the instant matter is not covered by the judgments, which permit review only under very limited circumstances, such as error apparent on the face of the record. It is amply clear that the case cannot be reopened and re-agitated. Moreover, the judgments cited by the petitioners have already been considered in the order under review, and the same cannot be allowed to be re-agitated. Thus, the order sought to be reviewed by the



petitioners is impermissible in law.

13. Accordingly, this Civil Review application is dismissed.

**(Khatim Reza, J)**

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