

GAHC010042902026



DB

2026:GAU-AS:3883-

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./50/2026

M/S SANYEEJI SIPAT ALI AND ANR
HAVING ITS REGD. OFFICE AND PRINCIPAL PLACE OF BUSINESS AT 9,
BRINDABAN MARKET, S.J. ROAD, ATHGAON, GUWAHATI 781001, ASSAM,
REPRESENTED BY ITS DIRECTOR.

2: SHRI DHIRAJ KUMAR JAISWAL
S/O SHRI J.P. JAISWAL
DIRECTOR OF APPELLANT NO 1
R/O HOUSE NO 29A
SAL SARNAM
BILPAR
CHABNIPOOL
REHABARI
GUWHATI 781008
DIST. KAMRUP (M)
ASSAM

VERSUS

ASSAM POWER DISTRIBUTION CO LTD (APDCL) AND 6 ORS
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, BIJULI
BHAWAN, PALTAN BAZAR, GUWAHATI 781001

2:THE CHIEF GENERAL MANAGER (COMMERCIAL)
APDCL
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI 781001

3:THE CHIEF GENERAL MANAGER (D)
APDCL
BIJULI BHAWAN
PALTAN BAZAR

GUWAHATI 781001

4:THE GENERAL MANAGER (TI)
APDCL
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI 781001

5:THE DEPUTY MANAGER (TI)
APDCL
LAR
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI 781001

6:THE AREA MANAGER
IRCA II
APDCL
JALUKBARI
GUWAHATI 781012

7:THE CHIEF EXECUTIVE OFFICER GE II
APDCL
GARIGAON JALUKBARI

Advocate for the Petitioner : MR. S P ROY, MR. R CHOUDHURY,MS. V RAI,JYOTISH DAS

Advocate for the Respondent : SC, APDCL,

Linked Case : I.A.(Civil)/27/2026

M/S SANYEEJI ISPAT LTD. AND ANR
HAVING ITS REGD. OFFICE AND PRINCIPAL PLACE OF BUSINESS AT 9
BRINDABAN MARKET
S.J. ROAD
ATHGAON
GUWAHATI-781001
ASSAM.REPRESENTED BY ITS DIRECTOR

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DIRECTOR OF APPLICANT NO. 1
R/O HOUSE NO. 29A
SAI SARNAM

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APDCL
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JALUKBARI

Advocate for : MR. S P ROY

Advocate for : SC

APDCL appearing for ASSAM POWER DISTRIBUTION CO LTD APDCL

BEFORE

**HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

18-03-2026

(AD Choudhury, J)

1. The present application is filed seeking a recall/review of the order dated 11.02.2026 passed in IA (Civil) 27/2026, by which the application for condonation of delay was dismissed.
2. The present review application is filed primarily on the ground that the finding of this Bench in order dated 11.02.2026 that the petitioners opted to wait for the outcome of the decision of the appellate authority on remand before filing the appeal before this Court constitutes an error apparent on the face of the record for the reason that the writ appeal was actually filed long before the review hearing of the order dated 31.12.2025.
3. Secondly, it is urged that the learned counsel for the APDCL suppressed the aforesaid material fact and asserted that the petitioner participated in the review proceeding and only thereafter challenged the judgment of the learned Single Judge.

4. The law is well settled that a review application is maintainable on discovery of new and important matters or evidence which, even after exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him when the decree was passed, or the order was made. Secondly, such a review application shall be maintainable on account of such mistake or error apparent on the face of the record or for any other sufficient reason.
5. The material error, to exercise the power of review, must be manifest on the face of the order and would result in a miscarriage of justice or undermine its soundness.
6. The error apparent on the face of the record shall mean an error that is self-evident and no process of reasoning is required to detect such error. Therefore, when an error is not self-evident and is required to be detected by the process of reasoning, such error cannot be described as an error apparent on the face of the record.
7. It is also equally well settled that while exercising review jurisdiction, a Court cannot appreciate the evidence to arrive at a different conclusion, even when two views are possible in a matter.
8. It is well settled that any other sufficient reasons shall mean “a reason sufficient on the grounds at least analogous to those specified in the rule.
9. Now coming to the case in hand, this court declined to condoned the delay not principally on the ground that the

petitioner awaited for the result of statutory Appellate authority on remand by the learned single judge, rather this court has specifically recorded that the direction issued by the learned Single Judge impugned in the connected appeal has already been given effect to; the appellate authority on remand based on the order of the learned Single Judge has also decided the issue and directed the assessing authority for a fresh reassessment exercise and therefore, the applicants shall be still at liberty to assail such decision of the appellate authority before the appropriate forum.

10. This court further recorded that the ground of delay pleaded in the application reveals that the applicants' grievance revolves around the jurisdiction of the Regulatory Appellate Authority to entertain a review petition, which cannot be permitted in a condonation petition. Similar arguments on merit have been made repeated orally in the present proceeding.
11. Thirdly, it was recorded that the applicants have miserably failed to give any justification in the condonation petition for the delay in filing the appeal, except by questioning the jurisdiction of the appellate authority to entertain a review petition and the correctness of the decision of the learned Single Judge relegating the respondents to seek a review of the order under challenge in the said writ petition, after interfering with the same.
12. Thus, this court found that the applicants had failed to show

sufficient cause for condonation of the delay.

13. The grounds sought in the present review petition, even if assumed to be correct, cannot be treated as an error apparent on the face of the record, and such alleged incorrect findings have no bearing on the final conclusion and determination made in our order dated 11.02.2026, passed in IA(Civil) 27/2026 nor does undermine its soundness
14. Accordingly, this court is of the view that no case for review is made out and therefore, the present case stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant