

03.02.2026
Item No.1
Ct. No.1
KS

WP.CT 104 of 2017

Phatik Chandra Kundu

Vs.

The Steel Authority of India Limited & Ors.

Mr. Indranath Mitra

.....For the Petitioner

Mr. Tapas Kr. Banerjee

Mr. Shamba Chakraborty

.....For the Respondents

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsel.
2. With the consent, matter is finally heard.
3. Learned counsel for petitioner, at the outset, submits that the Tribunal passed two identical orders in two review petitions on 31.03.2016. The order dated 31.03.2016 passed in R.A. No.350/00005/2016 is subject-matter of challenge. The similar order was passed in identical R.A. No.350/00004/2016. The similar order became subject-matter of challenge in WP.CT No.103 of 2017 and this Court by order dated 22.02.2019 set aside the said order and restored the review application to its original number with certain observations.
4. The singular argument advanced by learned counsel for the petitioner is that the principal reason for rejecting

the review application was that it was filed belatedly.

Both the review applications mentioned hereinabove are arising out of common order passed in the original application. He submits that the present review application was filed before the Tribunal on 22.02.2016 (Monday) upon receiving the certified copy of order dated 19.01.2016 and 21.01.2016. Similar was the factual background in R.A. No.350/00004/2016 and this Court in WP.CT 103 of 2017 set aside the same.

5. Learned counsel for the respondents supported the impugned order of Tribunal and prayed for dismissal of the writ petition.
6. We have heard the parties at length.
7. The learned Tribunal in paragraph 7 of the order under challenge recorded as under:-

7. In view of such direction from the Hon'ble Apex Court and the Hon'ble Andhra Pradesh High Court, as this review application has been made beyond a month of receipt of certified copy of this order dated 19.01.2016 in O.A. 1180/2012 and as ground for review are not covered under Order 47 Rule 1 of CPC, the present review application is dismissed. No cost."

8. When similar order dated 31st March, 2016 passed in R.A. No.350/00004/2016 was challenged in WP.CT 103 of 2017, this Court recorded as under:-

"Moving on to the point raised by Mr. Mitra, learned advocate for the petitioners that the review application was not barred by delay, we have checked up the calendar for February, 2016. 20th and 21st February, 2016 were Saturday and Sunday, respectively. Since the limitation to file the review application was to expire on Saturday but the same could not have been filed

owing to the tribunal remaining closed during weekends, the petitioner no.1 availed of the first opportunity thereafter and filed the review application on 22nd February, 2016, which was a Monday. In view thereof, the review application was well within time and, therefore, could not have been dismissed as time-barred.

That apart, we have been shown by Mr. Mitra what the grounds for review were in the review application. Apart from any other ground,-- ground no.3 was a substantial ground, which required the review application to be heard in the presence of the learned advocate for the petitioners and not by circulation.

For the reasons aforesaid, this writ petition must succeed. We set aside the order of dismissal of the review application. Consequently, R.A. 350/00004/2016 would stand revived on the file of the tribunal. We direct the tribunal to hear the review application within two months from date of receipt of a copy of this order, not by circulation but by putting the opposite party on notice.

Needless to observe, a reasoned order shall be passed while disposing of the review application. The writ petition stands allowed, without any order for costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously. expeditiously."

9. Learned counsel for the respondents did not dispute that both the R.A.s are otherwise similar in nature. The reason for interference by this Court in WP.CT 103 of 2017 are squarely applicable and available to the present petition because both the review applications were filed against common order passed in original application and both were filed on the same date.
10. Petitioner, for the reasons stated above, deserves similar treatment. Resultantly, by following the directions issued in WP.CT 103 of 2017, the impugned order dated 31.03.2016 is set aside. The said review application is

restored to its original number. We direct the Tribunal to hear the review application alongwith pending review application in R.A. No.350/00004/2016 and decide in accordance with law expeditiously.

11. With aforesaid and without expressing any opinion on merits, writ petition is disposed of.
12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)