HC-KAR

NC: 2026:KHC:60013
RP No. 109 of 2026

CNR: KAHC010165862026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

REVIEW PETITION NO. 109 OF 2026

BETWEEN:

M/S SILKTEX LIMITED
REGISTERED OFFICE AT- NO.34,II FLOOR,
KRISHNA REDDY COLONY
DOMLUR LAYOUT
BENGALURU-560071
REPRESENTED BY ITS DIRECTOR
MR.SAKET CHURIWALA

...PETITIONER

(BY SRI. RAKESH B BHATT.,ADVOCATE)

AND:

1. STATE BANK OF INDIA,
   CORPORATE CENTER
   STATE BANK BHAVAN
   MADAM CAMA ROAD
   NARIMAN POINT
   MUMBAI 400021
   REPRESENTED BY ITS MANAGING DIRECTOR

2. DEPUTY GENERAL MANAGER
   STATE BANK OF INDIA,
   STRESSED ASSETS MANAGEMENT BRANCH
   2ND FLOOR, OFFICE COMPLEX BUILDING,
   LHO CAMPUS, NO. 65, ST. MARKS ROAD,
   BENGALURU - 560 001.

3. THE AUTHORIZED OFFICER AND
   ASSISTANT GENERAL MANAGER AND CLO-5
   STATE BANK OF INDIA,
   STRESSED ASSETS MANAGEMENT BRANCH,

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2ND FLOOR, OFFICE COMPLEX BUILDING,
LHO CAMPUS,
NO. 65, ST. MARKS ROAD,
BENGALURU - 560 001

…RESPONDENTS
(BY SRI. SHETTY VIGNESH SHIVARAM., ADVOCATE)

THIS REVIEW PETITION IS FILED UNDER ORDER XLVII RULE READ WITH SECTION 114 OF CPC PRAYING TO REVIEW THE ORDER DATED 18.11.2025 PASSED IN W.P.NO.1257/2021 BY THIS HON'BLE COURT AND ETC.

THIS REVIEW PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. IA-1/2026 is filed to condone the delay. For the reasons stated therein, IA-1/2026 is allowed. Delay condoned.
2. The petitioner is before this Court seeking for the following reliefs:

a) Review the Order dated 18.11.2025 passed in WP No. 12507/2021 by this Hon'ble court in sofar as

i) Holding that the Respondent is liable to pay amount received in auction sale over and above Rs.6,81,68,280/- and this Hon'ble court be pleased to Hold and direct the respondent-Bank to make payment of the excess amount received over and above the due amount of Rs. 8,99,06,723/- (Rs.6,23,31,720/- + Rs. 2,75,75,003) to the Petitioner along with interest from the date of receipt of the entire sale consideration from the auction purchaser by the Bank.

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ii) Review the order dated 18.11.2025 in sofar as holding at para 20.3 "that the aspect of missing inventories having been given up by the Petitioner, no order in respect thereto is required to be made." And clarify that the Petitioner had not given up his claim regarding missing inventories and order Respondent Bank to compensate Petitioner for the same.

b) Pass such other order as this Hon'ble court deems fit in the interest of Justice and Equity.

3. The grounds on which review of the order dated 18.11.2025 is sought are twofold. Firstly, it is contended that the amount of ₹6,81,68,280/- referred to in the operative portion of the order is not correctly determined and that the respondent-Bank is liable to pay the excess amount realised in the auction after accounting for the petitioner's dues of ₹8,99,06,723/-. Secondly, it is contended that the observation made in paragraph 20.3 of the order that the petitioner had given up the claim relating to missing inventories is factually incorrect.

4. Insofar as the first ground is concerned, it is necessary to notice the basis on which the amount of ₹6,81,68,280/- was arrived at in the order under review.

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5. The auction consideration received by the respondent-Bank was ₹13,05,00,000/-. The admitted dues of the petitioner, as reflected in the One Time Settlement (OTS) submitted by the petitioner, were ₹6,23,31,720/-. Upon deducting the said admitted dues from the auction sale consideration of ₹13,05,00,000/-, the balance amount works out to ₹6,81,68,280/-.

6. Thus, the calculation arrived at by this Court in the order under review is arithmetically correct, as demonstrated below:

Auction sale consideration: ₹13,05,00,000/-

Less: Admitted dues under OTS: ₹6,23,31,720/-

Balance: ₹6,81,68,280/-

7. It is, however, to be noticed that the aforesaid amount would be subject to deduction of such amounts as may have been paid by the respondent-Bank on behalf of the petitioner to other authorities in relation to the subject property or the liabilities of the petitioner. The order under review has already taken note of the said aspect. Consequently, the amount of ₹6,81,68,280/- represents the excess amount calculated on the basis of the auction

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consideration and the admitted OTS dues, subject to such permissible adjustments.

8. The petitioner, by referring to the figure of ₹8,99,06,723/- (₹6,23,31,720/- + ₹2,75,75,003/-), seeks to have the additional amount of ₹2,75,75,003/- also taken into consideration while determining the balance amount payable by the respondent-Bank.

9. The effect of such an adjustment, if the additional amount is established to have actually been paid by the respondent-Bank on behalf of the petitioner and is otherwise permissible under the earlier order, would be a reduction in the net balance payable. However, the question whether the entire amount of ₹2,75,75,003/- was in fact paid by the respondent-Bank, the authorities to whom such payment was made and whether the same is liable to be adjusted against the auction proceeds would require verification of the relevant accounts and payment records.

10. The order under review has already provided for deduction of amounts actually paid by the respondent-Bank on behalf of the petitioner to other authorities. Therefore, the petitioner cannot contend

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that the entire amount of ₹6,81,68,280/- is payable without accounting for such permissible adjustments. Equally, the additional amount now sought to be brought into the calculation cannot be treated as an admitted liability merely because the petitioner has included the same in the figure of ₹8,99,06,723/-.

11. The contention now sought to be advanced would, therefore, require reconsideration of the financial calculations, the nature of the payments allegedly made by the respondent-Bank and the amounts liable to be adjusted. The same cannot be undertaken in exercise of review jurisdiction, particularly when the earlier order has already contemplated such permissible deductions.

12. It is also relevant to notice that the petitioner seeks payment of interest from the date on which the entire sale consideration was received by the respondent-Bank from the auction purchaser. Such a direction would constitute an additional substantive relief requiring adjudication of the petitioner's entitlement to interest, the period for which interest would be payable and the liability of the respondent-Bank in that regard. The petitioner has not demonstrated any apparent error in the order under

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review which would warrant introduction of such a direction in review proceedings.

13. The petitioner has, therefore, not demonstrated any arithmetical mistake or patent error in the calculation undertaken by this Court. The contention regarding the additional amount of ₹2,75,75,003/- concerns the nature and extent of permissible adjustments and cannot, without examination of the underlying payment records, be treated as an error apparent on the face of the record.

14. Insofar as the second contention regarding missing inventories is concerned, this Court has categorically recorded in paragraph 19.1 of the order under review that the learned counsel appearing for the petitioner did not press for setting aside the auction sale and would only press for adjustment of the OTS amount and return of the balance amount.

15. The relevant consideration in the original writ petition was, therefore, confined to the manner in which the auction sale proceeds were to be adjusted towards the admitted liabilities of the petitioner and whether the excess amount was required to be returned by the respondent-Bank.

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16. The petitioner now contends that, though the challenge to the auction sale itself was not pressed, the claim relating to missing inventories had not been given up. However, the question relating to missing inventories cannot be considered in isolation from the reliefs which were ultimately pressed in the original writ proceedings.

17. The grievance regarding missing inventories is founded on the allegation that certain machinery and other articles belonging to the petitioner were not included in the sale or stock auction. When the petitioner confined the relief in the original writ proceedings to adjustment of the OTS amount and refund of the balance sale consideration, the question of granting any separate relief in respect of the alleged missing inventories was not pursued for adjudication in the manner now sought to be urged.

18. It is in that context that this Court, in paragraph 20.3 of the order under review, recorded that the issue relating to missing inventories had been given up and that no separate order in that regard was required to be passed.

19. The petitioner cannot, in the present review proceedings, seek to reopen the submissions made

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and the reliefs pressed during the original writ proceedings by contending that a different interpretation ought to have been placed upon the submissions recorded by this Court.

20. If the petitioner intended to pursue an independent claim for compensation in respect of the alleged missing inventories, the same ought to have been specifically pressed and urged during the original proceedings. A review petition cannot be used to enlarge the scope of the reliefs which were pressed and considered in the original writ petition.

21. Further, the petitioner has not placed any contemporaneous material forming part of the original writ proceedings to demonstrate that a separate claim for compensation towards missing inventories was specifically pressed and that this Court, by inadvertence, failed to consider the same. A mere assertion in the review petition that such claim had not been given up would not, by itself, establish an error apparent on the face of the record.

22. At this stage, it would be appropriate to refer to the provision governing the scope of review jurisdiction.

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23. Order XLVII Rule 1 of the Code of Civil Procedure, 1908, reads as follows:

> ***"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 a 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.*
>
> *Explanation.—The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."*

24. A perusal of the aforesaid provision indicates that the power of review can be exercised on the discovery of

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new and important matter or evidence which, despite due diligence, was not within the knowledge of the applicant or could not be produced when the order was made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason.

25. The jurisdiction of review is not one of appellate jurisdiction. It is intended to correct errors which are apparent from the record and not to provide an opportunity to a party to seek reconsideration of the conclusions already arrived at by the Court.

26. Review jurisdiction is confined to correcting an error which is manifest on the face of the record. An error which requires detailed examination of the material, reconsideration of the factual findings or a process of reasoning cannot be treated as an error apparent on the face of the record.

27. The power of review cannot be exercised to substitute a different view for the one already taken by the Court. A review petition cannot be converted into an appeal in disguise.

28. Applying the aforesaid principles to the facts of the present case, the petitioner has not demonstrated

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any patent error in the computation of ₹6,81,68,280/-. The said amount has been arrived at by deducting the admitted OTS dues of ₹6,23,31,720/- from the auction consideration of ₹13,05,00,000/-. The petitioner's attempt to substitute a different figure of ₹8,99,06,723/- would require verification of the additional amount of ₹2,75,75,003/- and reconsideration of the financial adjustments. Such an exercise would fall outside the limited scope of review jurisdiction.

29. It is made clear that the amount of ₹6,81,68,280/- was arrived at as the gross balance after deduction of the admitted OTS dues and remains subject to the permissible deductions contemplated in the order under review. The respondent-Bank would be entitled to account for only those amounts which are established to have actually been paid on behalf of the petitioner and which are permissible adjustments under the earlier order. The present review proceedings do not warrant a fresh adjudication of such disputed accounts.

30. Similarly, insofar as the alleged missing inventories are concerned, the order under review has recorded the submissions made on behalf of the petitioner and

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the limited relief which was ultimately pressed. The petitioner has not demonstrated, by reference to any contemporaneous material forming part of the original record, that the observation made in paragraph 20.3 suffers from an apparent error requiring correction in review jurisdiction.

31. The contention now raised would essentially require reconsideration of the submissions and the scope of the reliefs pursued in the original writ proceedings. Such reconsideration cannot be undertaken in a review petition.

32. The petitioner cannot seek, by way of review, an enlargement of the reliefs which were not pursued for adjudication in the original writ proceedings. This Court is not expressing any opinion on the merits of any independent remedy, if otherwise available to the petitioner in law, in respect of the alleged missing inventories.

33. It is also brought to the notice of this Court that the respondent-Bank has preferred a writ appeal against the order dated 18.11.2025.

34. In this regard, sub-rule (2) of Order XLVII Rule 1 of the CPC is also relevant. The provision contemplates

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that, where an appeal has been preferred by another party, a review by a party who is the respondent in such appeal is not maintainable to the extent that the same case can be presented before the Appellate Court. Consequently, insofar as the contentions now raised by the petitioner can be urged in the pending writ appeal, the same would be subject to the limitation prescribed under the said provision.

35. It would be open to the petitioner to urge all permissible contentions in the pending writ appeal, subject to the applicable procedural requirements.

36. In that view of the matter, this Court is of the considered opinion that neither of the two grounds urged by the petitioner falls within the scope of Order XLVII Rule 1 of the CPC. No new and important material has been brought on record, nor has any patent error apparent on the face of the record been demonstrated. The petitioner is, in substance, seeking reconsideration of the conclusions already arrived at in the order under review.

37. The review jurisdiction cannot be exercised merely because the petitioner seeks a different computation of the amount payable or a different appreciation of the submissions made in the original writ

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proceedings. Such grounds, if permissible, are matters to be urged before the Appellate Court and do not constitute grounds for review.

38. Accordingly, no grounds are made out for allowing the review petition, hence this Court passes the following:

ORDER

(i) The review petition is **dismissed.**

(ii) The order dated 18.11.2025 passed in W.P. No.12507/2021 remains unaltered.

(iii) All permissible contentions of the parties in the pending writ appeal are kept open to be urged in accordance with law.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 69