162 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-290-2026, CM-9286-CWP-2026 in
CWP-792-2026 (O/M)
Date of decision : 27.05.2026

M/s Shree Ganesh Agro Foods and others ...... Petitioners

Versus

Union of India and others ...... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Daman Dhir, Advocate
for review-applicant(s).

Mr. Abhimanyu Antil, DAG Haryana.

-.- -.-

HARSH BUNGER, J. (ORAL)
CM-9286-CWP-2026

1. This is an application filed under Section 151 CPC for placing on record certain documents as Annexure P-10, Colly.

2. For the reasons mentioned in application, same is allowed and certain documents (Annexure P-10, Colly.) are taken on record subject to all just exceptions.

3. Application is accordingly disposed of.

RA-CW-290-2026

1. This application has been filed under Order 47 Rule 1 read with Sections 114 and 151 CPC, seeking review of judgment dated 16.01.2026, passed by this Court in CWP-792-2026; whereby the writ petition filed by review-applicant(s) was dismissed.

2. The instant review application is stated to have been filed in pursuance to liberty granted by the Division Bench of this Court in

LPA-1436-2026, vide order dated 18.05.2026, copy whereof has been handed over in Court today itself, which is taken on record subject to all just exceptions. The relevant extract of aforesaid order dated 18.05.2026 reads as under :-

> *"1. Learned Senior Counsel for the appellants submits that though, the question was posed by this Court to bring out the factum of the record being maintained by the appellants but inadvertently, the same could not be brought to the notice of this Court which led to the finding recorded in Paragraph 14.1 of the judgment dated 16.01.2026 passed by the learned Single Judge in CWP-792-2026. Hence, the present appeal may kindly be disposed of having been not pressed any further with liberty to file a review to satisfy the query of this Court in order to rebut the finding in paragraph 14.1 of the aforesaid judgment of the learned Single Judge.*
>
> *2. Ordered accordingly."*

3. A bare perusal of above extracted order passed by the Division Bench of this Court would show that since the relevant record being maintained by review-applicant(s) was not produced before this Court at the time of hearing of main writ petition; accordingly, petitioners had sought liberty to file a review application to satisfy the query of this Court, raised at the time of final hearing of writ petition, which stands recorded in para-14.1 of the judgment under review, which reads as under :-

> *"14.1 In response to the aforesaid query, learned counsel for the petitioners has failed to point out any details of the used jute bags/old bags utilized by each of the petitioners, nor he has referred to any record maintained in that regard by the rice millers; rather a plea has been taken*

that the instructions dated 13.12.2018 (Annexure P-6) were never communicated to them."

4. Now, before this Court, learned counsel for review-applicant(s) seek to place reliance upon Annexure P-10, Colly.; which according to them is copy of milling account for the crop year in question i.e. 2019-20 upto 2022-23.

5. I have carefully gone through the aforesaid Annexure P-10, Colly.; however, a bare perusal of same would reveal that said document(s) are neither certified copies, nor verified copies from any of the concerned authorities.

5.1 Secondly, it is noticeable that the writ petition has been filed on behalf of 40 different petitioners-firms; whereas the milling accounts attached as Annexure P-10 Colly. with review application are only in respect of petitioner No. 22, namely, M/s Ambala Rice Mill. The other two milling accounts are in respect of M/s Ganeshi Rice and Dal Mill and M/s Atma Ram Agro Foods; who were not writ petitioners before this Court. Apparently, no indulgence can be granted to the petitioners only on the basis of so-called milling accounts, placed on record as Annexure P-10 Colly. and that too only on behalf of one of writ petitioner No. 22 i.e. M/s Ambala Rice Mills. Evidently, no milling records pertaining to other 39 writ petitioners are placed on record.

5.2 It is also noticeable that the instant review application has been filed without attaching Vakalatnama on behalf of writ petitioners and even in the index of review application, it is only mentioned that 'power of attorney is already on record'.

5.3 Be that as it may, the documents now sought to be relied upon by review-applicant(s) (although incomplete and not in relation to all writ petitioners before this Court) were never produced at the time of hearing of writ petition. The said documents were admittedly in possession of petitioners/review-applicant(s) and were never brought on record at the relevant stage.

6. It needs no reiteration that a Court is required to adjudicate a matter on the basis of documents/material which is placed before it for consideration. In such circumstances, the applicant(s) cannot be permitted to rely upon these documents for the first time in review proceedings. Rather, the review application merely seeks a fresh consideration of the issues already adjudicated upon by this Court, which is wholly beyond the permissible scope of review jurisdiction. By filing the present review application, the review-applicant wants to re-argue and re-agitate the matter, which cannot be permitted in law.

7. The Hon'ble Division Bench of Madras High Court in ***M/s Dunlop India Versus. Customs, Excise and Service Tax Appellate Tribunal Haddows Road and Others (Review Application No. 42 of 2015 decided on 03.07.2015)***, has observed as under:-

> *"8. The ground now pleaded by the petitioner is that some documents have been received to substantiate the plea of undue financial hardship. Even though the same was averred in the affidavit filed in support of the civil miscellaneous appeal, no evidence was produced to that effect when the appeal was taken up for hearing. All the issues now raised were highlighted by the review petitioner and that has been recorded in paragraph 11 of the judgment*

passed in the appeal. There is no mistake or error apparent on the face of the record as pointed out by the review petitioner to seek review of the judgment dated 26.2.2015. The order of the Supreme Court now relied upon by the review petitioner is dated 12.6.2013 and the judgment sought to be reviewed is dated 26.2.2015. Therefore, it cannot be pleaded that there is a new or important matter which was discovered for filing review petition and the same could not be produced by the petitioner even after exercising due diligence. The documents available with the review petitioner were not produced despite making an oral plea. Hence, no ground is made out to review the judgment dated 26.2.2015."

7.1 The Hon'ble Bombay High Court in ***Raosaheb Kerba Kadam Versus Anil Kerba Kadam and others*** **(*2024 NCBHC-AUG 3487)*** has observed as under:-

"12. The documents which are tried to be relied upon for the first time cannot be said to be new invention or discovery. The plea which is sought to be raised for the first time was available to be raised either in the trial Court or when the writ petition was decided by the judgment under question. I do not find any merit in the explanation so tendered by the applicant."

7.2 The Hon'ble Allahabad High Court in ***M/s Singhal Thermopack Pvt. Ltd. Versus Commissioner of Trade Tax Lucknow and Another, 2019 (101) UPTC 254*** has observed as under:-

"7. As far as Section 22 is concerned the scope is limited to 'correction of mistakes'. The documents which were not on record, can not form the basis for pointing out any mistake in the judgment rendered in the Revision. Re-appreciation of evidence on the basis of new documents filed along with

application for Review cannot be considered by this Court in the garb of rectification of a mistake under Section 22 nor can a mistake 'apparent from the record', be something which is required to be established by a long drawn process of reasoning."

8. Further, the Hon'ble Supreme Court in ***Sanjay Kumar Agarwal Versus State Tax Officer (1), 2023 AIR (Supreme Court) 5636***; has considered the scope of a review petition and has observed as under:-

"16. The gist of the afore-stated decisions is that: -

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) 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.

(iii) 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 record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be "reheard and corrected."

(v) A Review Petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

(vi) Under the guise of review, the petitioner cannot be permitted to re-agitate and reargue the questions which have already been addressed and decided.

> *(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*
>
> *(viii) Even the change in law or subsequent decision/ judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review…"*

9. Keeping in view the above discussion, I find no merit in the instant review application. Resultantly, the instant review application fails and the same is, accordingly, dismissed.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

27.05.2026
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No