



205 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-12909-CWP-2025 in/and
RA-CW-392-2025 in
CWP No.22251 of 2011 (O&M)
Date of Decision: 17.04.2026**

**THE BHOOTGARH COOPERATIVE AGRICULTURAL SERVICE
SOCIETY LIMITED, BHOOTGARH**

.....Review applicant

VERSUS

**THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
LUDHIANA AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harjot Singh Bedi, Advocate for the review applicant.

Mr. I.P.S Doabia, Senior Advocate for the respondent No.2.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-12909-CWP-2025

Present application has been filed for condoning the delay of 106 days in filing the review application.

For the reasons mentioned in the application, the same is allowed.

Delay of 106 days in filing the review application is condoned.

RA-CW-392-2025

1. In the present review application, the applicant seeks review of the order dated 28.04.2025, whereby the writ petition was dismissed in view of the judgment passed by the Hon'ble Division Bench of this Court in *LPA No. 1908 of 2018 titled "Savitri Devi versus Presiding Officer, Industrial Tribunal-cum-Labour Court and others."*

2. Learned counsel for the review applicant submits that while dismissing the writ petition, the only ground considered was that the Labour Court did not have the jurisdiction to entertain the matter, as the same fell within the jurisdiction of the Educational Tribunal keeping in view the aforesaid judgment of the Division Bench.

3. Learned counsel for the review applicant further submits that the issue was required to be decided on merits with regard to the grant of relief as challenged in the writ petition; however, the same was not done. Hence, the order dated 28.04.2025 dismissing the writ petition is liable to be recalled.

4. Learned Senior counsel appearing on behalf of the respondent No.2 submits that the order dated 28.04.2025 passed in the writ petition was dictated in the open Court and no argument on merits was ever raised to challenge the order passed by the Industrial Tribunal (for short “the Tribunal”) and the only argument raised was with regard to the maintainability of claim before the Tribunal especially when the jurisdiction according to the petitioners lied with the Educational Tribunal, which issue was dealt with while passing the order dated 28.04.2025, review of which has been sought.

5. Learned Senior counsel further submits that, as per the settled principles of law, a ground which was available but was not taken in the course of arguments, cannot be made a basis for seeking review. In support of this contention, reliance has been placed on the judgment of the ***Hon’ble Supreme Court of India in Civil Appeal No. 3601 of 2020 titled “Shri Ram***

Sahu (dead) through LRs Vs. Vinod Kumar Rawat and others,” decided on 03.11.2020.

6. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

7. It is a conceded position that the order dated 28.04.2025 sought to be reviewed, was passed in the presence of the parties and the same was dictated in the open Court. Further, learned counsel for the review-applicant submits that though, certain arguments were raised on merits of the case keeping in view the order passed by the Tribunal but the same were not raised at the time of hearing.

8. It may be noticed that in case, any argument, which may be available at the time of hearing and has not been addressed, the same cannot subsequently be made a ground for review so as to re-open the issue to be decided afresh. The scope of review jurisdiction is well settled in this regard.

9. The judgment of the Hon'ble Supreme Court of India in ***Shri Ram Sahu's case (supra)***, which is being relied upon by the learned Senior counsel for the respondent No.2, clearly stipulates that the review cannot be sought for re-hearing the issues or for consideration of arguments which were not advanced at an appropriate stage and same has gone unrebutted by the learned counsel for the review applicant.

10. Learned counsel for the review applicant further submits that prior to passing of the order dated 28.04.2025, review of which is being sought, the learned Single Judge had already decided the issue previously on 19.04.2017 whereby the award passed by the Labour Court was set aside and upon an appeal preferred by the respondents against the said order dated

19.04.2017, the case was remanded back to be decided on merits vide order dated 05.09.2024, hence the Court should have passed the order on merits.

11. It may be noticed that the said issue could not be decided on merits as the petitioner failed to agitate the same at the time of hearing once no argument was raised on merits, same cannot be present in review.

12. Once it is an admitted position that no such arguments were raised for consideration before this Court, the contention that the Court ought to have decided the matter on merits, despite raising of any such arguments, cannot be accepted.

13. In the absence of any perversity having been pointed out in the impugned order dated 28.04.2025, either on facts or in law, no ground is made out for interference in the present review application.

14. Accordingly, the present review application stands dismissed.

17-04-2026
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO