

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Review Application No.020/0040/2019

In

Original Application No.20/1134/2013



Hyderabad, this the 19th day of December, 2019

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

A. Ananda Reddy,
S/o A. Bhujanga Reddy,
Aged about 52 years
Occ: Superintendent of Customs & GST,
O/o. Audit-I Commissionerate,
Ramanthapur, Hyderabad.

..... Applicant

(By Advocate: Mr. N. Vijay)

Vs.

1. The Government of India,
Ministry of Finance, Department of Revenue
North Block, New Delhi
Represented by its Deputy Secretary/
Under Secretary.
2. Chief Commissioner of Customs, Central Excise & Service Tax
Hyderabad Zone, Basheerbagh at Hyderabad.
3. Commissioner of Customs and Central Excise
Hyderabad-IV Commissionerate,
Posnett Bhavan, Hyderabad.

... Respondents

(By Advocate: Mrs. K. Rajitha, Sr. CGSC)

ORDER (IN CIRCULATION)
{As per B.V. Sudhakar, Member (Admn.)}



2. The RA is filed seeking review of the judgment delivered by this Tribunal in OA 1134 of 2013, dt. 31.10.2019. The operative portion of the order is as under:

“(IV) Therefore, keeping the above in view, the penalty of censure imposed is against the law and the same is set aside. However, it is left open to the respondents for reframing the charges appropriately and take action as per rules and in accordance with law.

With the above observations, the OA is allowed. No order as to costs. “

3. As no hearing is considered necessary, the Review Application is being disposed under circulation as per Rule 17(3) of the C.A.T. (Procedure) Rules.

4. The Tribunal, after considering all the averments and contentions raised in the OA as well as reply statement and the arguments advanced by both sides, has come to the conclusion in the OA. The contentions raised in the RA do not call for any further intervention by this Tribunal. There is no error apparent on the face of the record in the order passed in OA. Thus, this Tribunal does not find any grounds to review the judgment.

5. Further, a plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. [Northern India Caterers (India) Ltd. v. Lt. Governor of

Delhi, (1980) 2 SCC 167]. Further, Hon'ble Apex Court in the case of State of W.B. vs Kamal Sengupta (2008) 8 SCC 612 has held as under:-

“ 35. The principles which can be culled out from the above noted judgments are:

(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a civil court under Section 114 read with Order 47 Rule 1 CPC.

(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.

(iii) The expression “any other sufficient reason” appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).

(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

(vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger Bench of the tribunal or of a superior court.

(vii) While considering an application for review, the tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court/tribunal earlier.

6. In view of the above observations and the law laid down by the Hon'ble Supreme Court (*supra*), RA is devoid of merit and hence, merits dismissal and is accordingly dismissed, in circulation. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 19th day of November, 2019

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