

Central Administrative Tribunal
Principal Bench

RA123/99
in
OA 634/94

(63)

New Delhi this the 1st day of July, 1999

Hon'ble Shri S.R. Adige, Vice Chairman (A).
Hon'ble Smt. Lakshmi Swaminathan, Member (J).

M.M. Mathur,
(Retd.) Commissioner of Customs
and Central Excise,
C-2/62-B, Lawrence Road,
(Keshavpuram),
Delhi-110035.

... Applicant.

Versus

1. Union of India through the
Secretary to the Govt. of India,
Ministry of Commerce,
Udyog Bhawan,
New Delhi.
2. Chairman-cum-Managing Director,
India Trade Promotion Organisation,
(Successor of Trade Development Authority),
Pragati Maidan,
New Delhi. ... Respondents.

O R D E R (By circulation)

Hon'ble Smt. Lakshmi Swaminathan, Member (J).

We have carefully considered the contentions of the applicant in RA 123/99 in which it has been submitted that there are errors apparent on the face of the record in the impugned order dated 11.3.1999 which ^{therefore} needs to be recalled. The impugned order is a reasoned and speaking order and if the applicant is aggrieved by it, the remedy lies elsewhere by way of an appeal but the applicant cannot use the instrumentality of a Review Application. The applicant is attempting to reargue the case which is not within the purview of the Review Application and it is settled law that the Review Application cannot be used as an appeal but has to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC read with Section 22(3)(f) of the

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Administrative Tribunals Act, 1985. (See for example the judgements of the Supreme Court in *Meera Bhanja (Smt.) Vs. Nirmala Kumari Choudhury (Smt.)* (1995 (1) SCC 170) and *Chandra Kanta Vs. Sheikh Habib* (AIR 1975 SC 1500). We do not also agree with his contentions that there are errors apparent on the face of the record or any other sufficient reason under law to allow this RA. In the garb of the Review Application, the applicant is actually seeking to appeal against the impugned order which again is not permissible.

2. The R.A. is also liable to be dismissed on the ground of limitation for which not even an application for condonation of delay has been filed.

3. For the reasons given above, the Review Application is rejected.



(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'



(S.R. Adige)
Vice Chairman (A)