

(By Circulation)

01.01.2003

HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON. MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

The instant review application has been filed against the judgement dated 16.04.2002 passed in O.A. No.1447/01 along-with two Misc. applications.

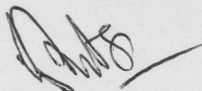
2. M.A. No.4121/02 is for condoning the delay in filing the review application. The delay is condoned. The Misc. application is disposed of.

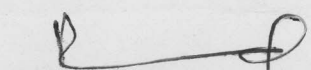
3. M.A. No.4122/02 is for stay of operation and effect of the order dated 16.04.2002 during the pendency of the aforesaid review application. Since the review application is being disposed of today itself, no order is required to be passed on this. Misc. application no.4122/02 stands disposed of.

4. This review application has been filed under the provisions of Rule 17 of C.A.T. (Procedure Rules) 1987, and the same is being disposed of by circulation rules.

5. Applicant for review has tried in fact the re-hearing of the case which is not permissible in law. The points raised by the applicants in the present review application have already been well considered in the judgement. The facts pleaded and law applicable on the facts of the case have already been considered and as such no case for the review of the judgement dated 16.04.2002 has been made out. The review application is maintainable only when there is an error apparent on the face of the record or some new fact or evidence is brought out. ^{h m} We do not find that any of the three above conditions have been brought out in the review application.

6. In view of the above, no case for review is made out. The review application is accordingly rejected.


Member-A


Vice-Chairman

/Neelam/