

(By Circulation)


01.01.2003

HON'BLE MAJ GEN. K.K.SRIVASTAVA, MEMBER-A
HON'BLE MR. A.K. BHATNAGAR, MEMBER-J

The respondents' applicant no.4 has filed this review application under provisions of Rule 17 of C.A.T. (Procedure Rules) 1987, against the order dated 05.07.2002 passed in O.A. No.288/95 alongwith M.A.4276/02. The respondent applicant in M.A. No.4276/02 has advanced the reasons for the delay in filing the present review application. We are satisfied with the reasons given in the affidavit dated 21.10.2002 of Shri R.S. Sinha and condone the delay. In the review application the respondents' applicant has pleaded the same points which were putforth at the time of arguments.

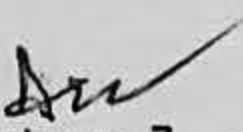
2. By this review application the revisionist are now seeking that we should re-assess ~~our~~ ^{by them} own observations which, according to ~~time~~ ^{them}, have resulted in the erroneous conclusion and mis-carriage of justice. There is no error apparent on record and there is no new fact that has been brought out which was not considered by us. The attempt of the respondents applicant is for re-hearing of the case which is not permissible in law. The judicial precedence applicable to the facts of the case have been considered in the judgement. In the review jurisdiction even erroneous findings cannot be changed. In support of our view ^{we} place reliance on the decision given by the Apex Court in the case namely Shri Ajit Kumar Rath Versus State of Orissa and others reported in 2000 SCC (L&S) 192. The Hon'ble Supreme Court has observed as under:-


"The power of review available to the Tribunal is the same as has been given to a court under section 114 read with order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in order 47. The power can be exercised on the application of a person on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not



within his knowledge or could not be produced by him at the time when the order was made. The power can also be exercised on account of some mistake or error apparent on the face of the record or for any other sufficient reason. A review cannot be claimed or asked for merely for a fresh hearing or arguments or corrections of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it. It may be pointed out that the expression "any other sufficient reason" used in Order 47 Rule-1 means a reason sufficiently analogous to those specified in the rule."

3. For the reasons stated above, we do not find any merit in the present review petition. The same is dismissed under circulation rules.


Member-J


Member-A

/Neelam/