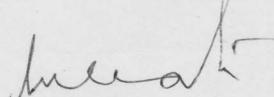


27.7.2007

HON. MR. P.K. CHATTERJI, A.M.

Shri R.A. Srivastava, learned Counsel for applicant filed R.A. No.24/06 for reviewing the decision of the Tribunal on the same O.A. dated 9.9.1995. The review application has been filed on 29.11.2006 after about 13 months from the date of issue of decision of O.A. No.512/01. Counsel for applicant in R.A. has stated by way of reasons for delay that it was due to fault of the previous ^{firm} counsel, who did not ~~found~~ ^{and communicate} the status of the O.A. to the respondents correctly. Learned Counsel has further stated that as per the order sheet, the R.A. was dismissed in default on 7.9.2006. By mentioning this fact, he argues that it amounts to acceptance of the O.A. for consideration after condoning the delay. However, I am unable to agree with the learned Counsel on this aspect. The R.A. was filed along with the delay condonation application and the Courts' decision was in respect of the R.A. as well as the accompanying application for condonation of delay as both were filed in tandem. Shri B.D. Shukla, Counsel for Respondent in review opposes the admission of the review application on the ground that as per C.A.T. rules, there is no provision for condoning the delay in review applications. On the other hand, it is stipulated in the rules that review application should be filed within one month from the date of the order. Section 5 of the rules applies to O.A. but not to review application. Counsel for applicant has not been able to controvert this point by citing any provision of the rules. For this matter, I am of the view that delay in filing Review cannot be condoned. The review application along with application for condonation of delay are rejected.


A.M.

Asthana/