

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

RA No.179/2015 in  
MA No.4098/2014 and  
CP No.495/2014 in  
OA No. 1986/2012

Order Reserved on: 02.05.2016

Pronounced on: 03.08.2016

***Hon'ble Mr. V. Ajay Kumar, Member (J)***

***Hon'ble Mr. V.N. Gaur, Member (A)***

Ashok C. Parkash  
(Applicant in person)

- Applicant

Vs.

Sh. P.K.Malhotra & another  
(By Advocate: Sh. Rajesh Katyal)

- Respondents

**ORDER**

**Hon'ble Mr. V.N.Gaur, Member (A)**

The present review application has been filed by the applicant in MA No.4098/2014 and CP No.495/2014 in OA No.1986/2012. The MA No.4098/2014 in CP No.495/2014, and CP No.495/2014 were disposed of by this Tribunal by a common order dated 07.04.2015 dismissing both MA and the CP. The present review application seeks review of this order. In the RA the applicant has given extensively background of the dispute that was the subject matter of the OA No.1986/2012 besides narrating the grounds that had already been pleaded in the CP, and detailed reasons with judicial precedents to contend that the

respondents were legally bound to supply the document prayed for in the MA 4098/2014. Leaving out the repetition of the grounds already taken in the OA, CP and MA, specifically for seeking review of the order dated 07.04.2015 the following “errors apparent on the face of the record” have been saliently mentioned:

- (1) The applicant was denied the opportunity of filing rejoinder to the compliance report filed by the respondents in CP 495/2014.
- (2) The order dated 07.04.2015 does not take into account the pleas of the applicant and judicial precedents mentioned in the MA and in the written submissions filed in pursuance of the directions of this Tribunal while reserving the order in MA/OA on 11.03.2015.
- (3) It is a settled principle of law that the final discretion for the production and non-production of documents lies with the Courts and not with the Executive, as has been held by the Constitution Bench of the Hon’ble Apex Court in the matter of **S.P.Gupta & ors. Vs. UOI & ors.**, 1982 (2) SCR 365. Non consideration of this fact was an error apparent.
- (4) The judgment of Hon’ble Supreme Court in **J.S.Parihar vs. Ganpat Duggar & others**, JT 1996 (9) SC 611 and **Bihar State Govt. Sec. School Teachers Association vs. Ashok Kumar Sinha & others**, (Contempt Petition

(C) Nos.88-89 of 2013 in Civil Appeal Nos.8226-8227 of 2012) decided on 07.05.2014, relied by the Tribunal in the order dated 07.04.2015 are not even remotely applicable to the facts of the case at hand.

4. To appreciate the perspective of the present RA it is noted that the applicant had filed OA No.1986/2012 against the decision of respondent no.1 to hold enquiry under Rule 14 of CCS (CCA) Rules, 1965; and, appointment of enquiry officer to enquire into the allegations of amassing wealth disproportionate to the known source of income as alleged by the complainant Sh. G. Kannan against the applicant while he was working as Presiding Officer, Debt Recovery Tribunal from 05.12.2001 to 29.02.2004. The main ground taken by the applicant in his defence was that the power exercised by the Minister In-charge of the Law Ministry was a colourable exercise of power since he was not competent to give approval in respect of the applicant while holding the position of Presiding Officer of DRT. According to the Government of India Allocation of Transaction of Business Rules 1961 only the Minister of Finance after approval of ACC could pass such an order. This Tribunal disposed of the OA by order dated 28.02.2014 with the following direction:

“6. Following the aforementioned judgment of the Hon'ble Supreme Court, we dispose of the OA with direction to the disciplinary authority to decide the representation dated 2.05.2011 within four weeks. While doing so, the authority would be at liberty to take into consideration the material so far

brought on record by the parties in the disciplinary proceedings. It would be open to applicant to apply to the disciplinary authority for stay of the proceedings till a decision is taken in his representation. While disposing of the representation, the disciplinary authority would keep in view the fact that the applicant had joined the service as Assistant District Attorney-cum-Government Pleader in the prosecution and Litigation Department of State of Punjab w.e.f. 23.01.1979 and also his contention regarding competence of the disciplinary authority to institute proceedings in respect of the allegations pertained to the period when the applicant was President, DRT. It is made clear that we have deliberated only on the issue of challenge to the disciplinary proceedings and not on any other prayers made in the OA, since the learned counsel for the applicant had dropped the same at the time of issuance of notice in the OA. It would be open to applicant to work out his right regarding release of gratuity and any other grievance in accordance with law. No costs.”

5. The applicant then filed CP No.495/2014 in OA No.1986/2012 complaining of non-compliance of this order. The Tribunal issued notice to the respondents on 13.10.2014 for filing the reply. When the matter was called on 25.11.2014, the applicant, who was present in person, submitted that while taking a decision in implementation of the order of the Tribunal passed in OA, the concerned authority did not examine the issue of competence of the disciplinary authority and several other material issues. Learned counsel for the respondents submitted that status report in the matter has already been filed on 21.11.2014 but the same was not on record. Registry was, therefore, directed to place the same on record before the next date of hearing. On 09.12.2014 the applicant submitted that he had moved a petition under Section 25 of Administrative

Tribunals Act, 1985 to be heard by the Hon'ble Chairman. On hearing this submission the Bench passed the following order:

“Mr. A.C.Prakash, applicant, who is present in person, submitted that he has moved petition under Section 25 of Administrative Tribunals Act, 1985 to be heard by the Hon'ble Chairman. Though he sought permission to put forth his submissions on the merits of the petition before this Bench also, but we are of the view that once the PT under Section 25 of the Act has yet to be considered by the Hon'ble Chairman, it would be appropriate to take up the present petition on merits only after the orders of the Hon'ble Chairman.

In the circumstances, CP is directed to be listed after the order in the PT is received.”

6. When the matter was placed before the Hon'ble Chairman on 17.12.2014 the following order was passed:

**“MA No.3818/2014** is placed today for orders.

The applicant who appears in person when confronted with the observation that the statements made in the misc. Application seeking transfer of the contempt petition from one Bench to another, prima facie, appear to be contemptuous and, therefore, as to why he should not be called upon to show cause for the alleged statements, and proceeding be not drawn against him, he expresses his regret and unequivocally stated that he offers unconditional apology and further seeks leave of the Tribunal not to press this application. The prayer is allowed. The Miscellaneous Application is accordingly dismissed as not pressed.

**CP No.495/2014**

Let the contempt petition be listed before the same Bench on 24.12.2014.”

7. On 24.12.2014 the applicant submitted that he had filed an MA for production of record on 23.11.2014 but the same was not in the case file. Registry was directed to list the CP and MA on 23.01.2015. On that date notice was issued to the respondents in MA No.4098/2014 and time was given for filing reply before the

next date of hearing. The respondents, who had earlier filed the status report in the CP on 21.11.2014, filed their reply to the MA on 04.03.2015. After hearing both the parties on 11.03.2015 the order was reserved both in CP No.495/2014 and MA No.4098/2014 with the following order:

“Oral arguments heard. Order reserved. It will be open to the parties to file written submissions, if any, within two weeks.”

8. The applicant submitted his written submissions on 25.03.2015. Thereafter both MA and CP were disposed of vide order dated 07.04.2015.

9. The first contention of the applicant for review of that order is that he was not given opportunity to file rejoinder to the status report submitted by the respondents.

10. In the Administrative Tribunal (AT) Act, 1985 and the Central Administrative Tribunal (Procedure) Rules, 1987 there is no mention of ‘rejoinder’.

11. The Rule 32 of the Central Administrative Tribunal Rules of Practice, 1993, however, refers to filing of rejoinder in the following manner:

“32. Filing of rejoinder – (a) The applicant(s) intending to file rejoinder to the reply statement filed by all or any of the respondent(s) shall do so, with the leave of the Bench/Registrar within the time granted. The rejoinder shall be filed within the time granted, duly signed and verified in the manner prescribed for filing reply statement under Rule 12 of the Procedure Rules.”

It is obvious that the applicant has to seek the leave of the Court for filing rejoinder.

12. Under CPC also there is no mention of 'rejoinder' but the practice of filing 'rejoinder' emanates from Order 8 Rule 9 which states that

“no pleading subsequent to the written statement of a defendant other than by way of defence to a set off or counter-claim shall be presented except by leave of the Court and upon such terms as the Court thinks fit; but the Court may any time require a written statement or additional written statement from any of the parties and fix a time of not more than thirty days for presenting the same”.

13. The CPC does not contemplate a mandatory pleading by way of rejoinder. Hon'ble Delhi High Court in **Anant Construction (P) Ltd. Vs. Ram Niwas**, 1994 (31) DRJ 205 had the occasion to examine this question at length and some observations of Hon'ble High Court relevant in the present context are as follows:

“(15) A replication is not to be permitted to be filed ordinarily, much less in routine. A replication is permissible only in three situations: (1) when required by law; (2) when a counter claim is raised by the defendant; (3) when the Court directs' or permits a replication being filed. The Court may direct filing of a replication when the court having scrutinised the plaint and the written statement feels the necessity of asking the plaintiff to join specific pleadings to a case specifically and newly raised by the defendant in the written statement. The plaintiff may also feel the necessity of joining additional pleading to put forth his positive case in reply to the defendant's case but he shall have to seek the leave of the court by presenting the proposed replication along with an application seeking leave to file the same. The court having applied its mind to the leave sought for, may grant or refuse the leave. Ordinarily the necessity of doing so would arise only for 'confession and avoidance'.

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(22) Whenever a pleading is allowed to be amended an opportunity has to be afforded to the opposite side to meet the

new case by filing an additional statement ( see Note 14 below Order 6 Rule 17 Civil Procedure Code by Manohar & Chitley). If the plaint is amended, written statement has to be amended so as to incorporate a denial or defendant's plea, as the case may be, in view of Order 8 Rule 3 and 5 CPC. If the written statement is amended, the plaint need not necessarily be amended as the plaintiff may rely on the rule of assumed traverse. If a replication many become necessary, leave may be allowed to file the same but confined to the plea newly introduced in the written statement by way of amendment.

(23) A few decisions by different High Courts, especially by Delhi High Court which have come to notice may be dealt with. 21.1 The law of pleadings does not require a plaintiff to file a replication merely denying the allegations made in the written statement. Failure to file a replication cannot be treated as an admission of the plea in the written statement. *Veemsekhar v. Amirthavalliammal*, *Laxmansing. v. Laxminarayan Deosthan*. Air 1948 Nagpur 127, *Bank of Behar Ltd v. Madhusudan Lal*, Air 1937 Patna 4281. 21.2 In *Amarjeet Singh vs Bhagwati Devi* 1982 (12) Rlr 156, this Court has held a pleading to mean plaint and written statement only. A plaintiff can claim relief on the basis of pleas in the plaint and not on pleas in the replication. 21.3 In *Roshan Lal vs. Prem Prakash*, Air 1980 Patna 59, it was held : "A subsequent pleading by way of defense to a set off or counter-claim can be filed by the plaintiff as a matter of right, but the provisions do contemplate the filing of other pleading as well but by the leave of the Court and invest the Court with the widest possible discretion. Either party may, with the leave of the Court file a supplementary written statement, but at the same time the law does not compel the plaintiff to file any rejoinder to the allegations made in the written statement and the failure of the plaintiff to file such a rejoinder, cannot be treated as an admission of the plea in the written statement. The plaintiff is entitled to join issues with the defendant with respect to all those allegations which are made in the written statement and may lead evidence in rebuttal of those allegations notwithstanding the fact that he does not file any rejoinder."

21.4 *Moti Ram vs Baldev Krishan* is a single bench decision of this Court. It only says replication permitted by the Court to be filed forms part of the pleading besides the plaint and the written statement, which strictly constitute pleading under Order 6 Rule 1 CPC. The High Court of Punjab has in *Mateshwar Dayal Vs Amar Singh*, 1983 P&H 197 and *Jag Dutta V. Savitri Devi* held that replication is a part of the pleadings and the plea raised therein cannot be overlooked. All these decisions were cited by the learned counsel for the petitioner. Suffice it to say that replication if allowed by the court becomes a part of the pleadings. To this extent there can be no dispute.

(24) Two decisions which can be cited as taking a view to the contrary and which also have come to the notice of this Court, may be discussed. 22.1 *Abdul Hamid v. Nur Mohd* is a single bench decision of this Court wherein the principle of Order 8 Rule 5 Civil Procedure Code has been extended to non-traverse

in the replication of averments made in the written statement. A reading of the decision indicates that this Court has nowhere laid down the necessity of filing of replication to the written statement. It was a landlord tenant suit seeking ejection. The tenant had pleaded landlord having recently let out other vacant accommodation of his. A replication was filed. There was no specific denial of the plea raised in the written statement. Denial was evasive and not specific. In this background, this Court observed: "This kind of non-traverse has to be really put against the landlord." This Court was laying down the law not on replication but on the rule of non-traverse in pleadings by reference to Order 8 Rule 5 CPC. 22.2 There is a Division Bench decision of Punjab & Haryana High Court in Salig Ram vs. Shiv Shankar, Air 1971 P&H 437, the Division Bench vide para 8 states:- "IT is a well-settled rule that replication is a part of the pleadings and anything which is specifically stated in the replication and for the first time has to be controverted and if it is not controverted and is allowed to pass it must be assumed that the plea raised is accepted. If any authority on the point is needed, reference may be made to S.D.G. Pandarasannidi v. State of Madras".

(26) To sum up:

(1)'replication' and 'rejoinder' have well defined meanings. **Replication is a pleading by plaintiff in answer to defendant's plea.** 'Rejoinder' is a second pleading by defendant in answer to plaintiff's reply i.e. replication. (2) To reach the avowed goal of expeditious disposal, all interlocutory applications are supposed to be disposed of soon on their filing. A delivery of copy or the I.A. to the counsel for opposite party is a notice of application. Reply, if any, may be filed in between, if the time gap was reasonable enough enabling reply being filed. (3) I.As. which do not involve adjudication of substantive rights of parties and/or which do not require investigation or inquiry into facts are not supposed to be contested by filing written reply and certainly not by filing replication. **(4) A replication to written statement is not to be filed nor permitted to be filed ordinarily, much less in routine. A replication is permissible in three situations. (i) when required by law; (ii) when a counter claim is raised or set off is pleaded by defendant (iii) when the court directs or permits a replication being filed. (5) Court would direct or permit replication being filed when having scrutinised plaint and written statement the need of plaintiff joining specific pleading to a case specifically and newly raised in written statement is felt. Such a need arises for the plaintiff introducing a plea by way of 'confession and avoidance.'** **(6) A plaintiff seeking leave of the court has to present before it the proposed replication. On applying its mind the court may grant or refuse the leave.** (7) A mere denial of defendant's case by plaintiff needs no replication. The plaintiff can rely on rule of implied or assumed traverse and joinder of issue. (8) Subsequent pleadings are not substitute for amendment in original pleadings. (9) A plea inconsistent with the pleas taken in original pleadings cannot be permitted to be taken in subsequent pleadings. (10) A plea which is foundation of plaintiff's case or essentially a part of causes of action of plaintiff, in absence whereof the suit will be liable to be dismissed or the plaintiff liable

to be rejected cannot be introduced for the first time by way of replication.” (*emphasis supplied*)

14. It is apparent that a ‘replication’, or ‘rejoinder’ in our parlance, can be considered by the Court only on an application by the applicant and subject to certain conditions. From the records, it is seen that the respondents have filed the status report on 21.11.2014 and had also despatched a copy of the same to the applicant by post on 21.11.2014. In the proceedings on 25.11.2014 when the applicant was present in the Court it was recorded that the respondents had filed the status report on 21.11.2014 vide Dy. No.9780. Thus, it was in the knowledge of the applicant that the status report had been filed and a copy had been sent to him by post. In the event he did not receive the same and he was desirous of filing a rejoinder, nothing prevented him to make such a prayer either on the same date or on subsequent dates when the matter was heard. At this stage the applicant cannot make this as a ground for seeking review of the order of the Tribunal. According to the law as discussed earlier, rejoinder is not a mandatory step for deciding an OA; it is a privilege given to the applicant subject to certain conditions, for which he has to make a prayer to the Court. If such a prayer has not been made by the applicant, or despite the permission to file rejoinder, the same has not been filed, or such a prayer has been refused, it

cannot vitiate the proceedings of the case, and much less become a ground for review of the order.

15. Further, it is trite that while a contempt petition may be filed by the complainant bringing to the notice of the Court any wilful disobedience of its order, after the Court has taken cognizance of the same it is a matter between the Court and the alleged contemnor. It is for the Court to satisfy itself whether its order has been complied with or not, and if not, what further action has to be taken against the contemnor. In the contempt petition **CONT. APP. (C) 11/2004**, Hon'ble High Court of Delhi, relying on the Supreme Court in the case of **Baradakanta Mishra vs. Mr. Justice Gatikrushna Misra**, (1975) 3 SCC 535, took the view that it was the concerned Court's satisfaction with regard to the compliance of its order that was relevant in a case of contempt and no appeal lies against that decision.

16. In **Baba Abdul Khan S/O Daulat Khan And ... vs Smt. A.D. Sawant, J.M.F.C.**, 1994 CriLJ 2836 Hon'ble Bombay High Court held that:

“2. When the contempt does not occur in the presence and hearing of the Court, it must be brought to the attention of the Court by affidavits or sworn statements of the facts by persons who witnessed them or have knowledge of them. From the sworn facts, it must be shown prima facie that the contemnor/contemnors committed contempt to issue rule to the offender to show cause why he should not be punished for the alleged contempt.

**A proceeding for punishment of the person/persons who have committed the contempt, is between the Court and the contemnor. Any person bringing the facts to the notice of the Court, is just an informant.**

**The jurisdiction to make an order for contempt is per se, neither civil nor criminal, but is segeneris.**

**3. Once this Court takes the cognizance of the matter with regard to the contempt and the rule is issued, it must be made clear for all purposes that the desire of the private party to continue or not to continue such proceedings, is insignificant and is totally irrelevant. The purpose of proceedings in contempt is mainly to maintain the dignity of the Court and instil confidence in the mind of the public about the institutional integrity.”(emphasis supplied)**

17. The applicant has filed the MA in CP seeking direction to the respondents to produce certain records. Through this review the applicant wants the MA to be revived, which should lead to a direction to the respondents to produce the record, if the MA is allowed. Thus, the applicant is claiming a right to seek further intervention by this Court in the matter of contempt and expect by way of review application what the law does not permit even in an appeal.

18. With regard to the submission that order dated 07.04.2015 does not take into account various submissions and judicial precedents mentioned by the applicant in the written submissions as well as in the MA/ CP, we do not find the basis for arriving at such a conclusion. The Tribunal considered all the relevant legal issues arising out of the MA and CP and dealt with it in the order. While considering the pleas and submissions made orally or in writing by the parties, the Court has to sift the grain from the chaff and deal with only those arguments that it considers relevant in the context of the facts of that case. The Court does not have to match the volume of the submissions by volume of its

order. We, therefore, do not consider this to be a convincing ground for review of the order dated 07.04.2015.

19. The applicant has also argued that the respondents were legally bound to provide him the computerised copy of the opinion of Sh. P.P.Malhotra, Additional Solicitor General dated 18.06.2009 tendered in O.P.Nahar's case and has cited a number of judgments in favour of his contention. This Tribunal did consider this prayer made in MA No.4098/2014 filed in CP No.495/2014 and came to conclusion that filing MA in a CP was not a legally permissible route for the applicant to seek a direction for production of a document. The MA was not nixed on its own merits but on this technical ground. The relevant para of that order is reproduced below:

“2. The plea raised by the applicant as well as the opinion of A.S.G. may be relevant to take a view regarding the validity of the disciplinary proceedings initiated against the applicant as well as order dated 31.7.2014. In the present M.A., it is not open for us to go into such issue and what we need to see is to whether the respondents have implemented the Order passed by this Tribunal in O.A. No.1986/2012 on 28.2.2014 or not. For such purpose, the record, for production of which a direction is sought to be issued by the applicant by filing the present M.A., is not relevant.

3. In the circumstances, the prayer made in M.A. No.4098/2014 is nixed. It would be open to the applicant to seek production of record in appropriate proceedings, if any, instituted by him in future. M.A. stands disposed of.”

20. The Tribunal had accordingly dismissed the MA by giving liberty to the applicant to seek production of record in appropriate proceedings, if any, instituted by him in future.

21. The scope of the contempt petition is confined to the question whether the respondents have wilfully disobeyed the order of the Tribunal or not. It was in this context that the order dated 07.04.2015 relied on **J.S.Parihar** (supra) and **Bihar State Govt. Sec. School Teachers Association** (supra). The applicant in the RA has also argued that the reliance on these judgments was wrong in itself as facts are not comparable. The order dated 07.04.2015 has reproduced the relevant portion of these judgments in para 6 & 7. In the view of the Tribunal, the *ratio decidendi* of these two cases were absolutely relevant in the context of the facts of CP No.495/2014. However, if the applicant has some other interpretation of the aforementioned judgments of the Hon'ble Supreme Court that cannot be ground for review of its own order by the Tribunal.

22. The power of review of its own order by this Tribunal emanates from Section 22 (3) (f) of the Administrative Tribunals Act. In **Ajit Kumar Rath v. State of Orissa and Others**, (1999) 9 SCC 596 the Hon'ble Apex Court held that "power of review available to the Tribunal under Section 22 (3)(f) is not absolute and is the same as given to a Court under Section 114 read with Order 47 Rule 1 of CPC."

23. Order XLVII, Rule (1) of Code of Civil Procedure reads is reproduced below:-

“(1) Any person considering himself aggrieved,—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from 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 decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

24. In ***Union of India v. Tarit Ranjan Das***, (2004) SCC (L&S) 160 the Hon’ble Apex Court held that the scope of review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits.

25. In ***West Bengal & ors. Vs. Kamalsengupta & anr.***, 2008 (8) SCC 612 the Hon’ble Supreme Court after having considered the important decisions on the subject and defined the difference between the review and appeal, held as follows:

“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 of 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."

26. In **Kamlesh Verma vs. Mayawati & Ors.**, 2013 (8) SCC 320, the Hon'ble Supreme Court has laid down conditions when the review will not be maintainable, as extracted below:-

"20.2. When the review will not be maintainable:-

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”

27. In view of the foregoing discussion and reasons, the Review Application is devoid of merit and is dismissed as such.

**(V.N. Gaur)**  
**Member (A)**

**(V. Ajay Kumar)**  
**Member (J)**

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