

**IN THE COURT OF SH. SUMEET ANAND, DISTRICT
JUDGE-11, CENTRAL DISTRICT, TIS HAZARI COURT,
DELHI.**

Misc DJ 13/26
Bharat Vehicle Scrap Facility vs Union of India
CNR no. DLCT01016386-2025

ORDER

- 1) Vide this order, this court shall decide and dispose off the review application filed by the applicant/plaintiff under Section 114 read with Order 47 Rule 1 CPC; thereby seeking review of order dated 03.12.2025, vide which the plaint of the plaintiff was rejected under Order 7 Rule 11 (d) CPC.
- 2) The applicant/plaintiff filed the suit for declaration seeking declaration of “The Guidelines for Handling End of Life Vehicles in Public Places of Delhi, 2024” and “Delhi Maintenance and Management of Parking Rules, 2019” as patently void, unconstitutional, illegal and ultra vires in accordance with Government of NCT of Delhi Act 1991 and other allied statutory rules.
- 3) The plaintiff, in addition to relief of declaration also sought consequential relief of mandatory injunction seeking directions for refund of money of Rs. 12,38,100/-. Thus, the recovery sought by the plaintiff was directly contingent upon the declaration of the rules as ultra vires.
- 4) This court, vide order dated 03.12.2025, after necessary discussion came to a conclusion that the Civil Courts cannot

exercise power of judicial review and cannot declare a legislation, including a subordinate legislation as unconstitutional. Hence, this court is of the opinion that the cognizance of the suit by the Civil Court is impliedly barred.

5) Accordingly, the plaint of the plaintiff was rejected under Order 7 Rule 11 (d) CPC.

6) Resultantly, the applicant/plaintiff filed the present review application seeking review of order dated 03.12.2025 on the following grounds: viz

a) That the plaintiff through his counsel has duly recorded his submissions before the Hon'ble Court on the maintainability of the present Civil Suit vide order dated 13.11.2025. However, the court did not record any of the submissions **for the reasons best known to the court**;

b) That the impugned order is passed without any mention of any Statue, Ordinance, By-Law, Rule, Regulation, Notification, or Custom or any Law in Force which bars the jurisdiction of the court;

c) That the impugned order is passed in ignorance of Section 9 of CPC;

d) That the impugned order is passed in ignorance of Order XXVII-A Rule 1 and Rule 1A CPC;

e) That the impugned order is passed in ignorance of doctrine of *Res-integra* as no *Ratio Decidendi* is mentioned;

f) The impugned order is passed in ignorance of judgment of Hon'ble Apex Court passed in matter titled as Dwarka Parsad Aggarwal vs Rameshchander Aggarwal;

7) During the course of arguments on the review application a specific query was asked to Ld. Counsel for the applicant/plaintiff that which provision specifically empowers this court to declare legislation, including a subordinate legislation as ultra vires.

8) To this attention of the court was drawn to Article 32 and Article 226 of the Constitution stating that it nowhere reserves power exclusively for the constitutional courts to declare legislation including a subordinate legislation as ultra vires.

9) The attention of the court was also drawn to Article 228A of the Constitution stating that it was repealed by the 43rd Constitutional Amendment and thus exclusive jurisdiction of the constitutional courts to declare a law ultra vires was repealed. Reliance was also placed on Section 113 CPC.

10) Further, when the orders were being reserved on this review application, relying on Order 47 Rule 4(p), it was argued that either the review application be dismissed right away, but once the court reserves its order on the review application, then notice to the opposite party is mandatory.

11) This court has once again perused the record and has carefully considered the review application filed by the applicant/plaintiff and has also considered the submissions made.

12) According to Order 47 CPC review of an order can be sought on account of any error apparent on the face of record, or on account of discovery of any new material or evidence that was earlier not in the knowledge of the party and could not have been

available despite due diligence, or on account of any other sufficient reason.

13) On the basis of the averments made by the applicant/plaintiff in his review application as well as on the basis of oral submissions, it is clear that the applicant is seeking review of order dated 03.12.2025 by highlighting that there is an error apparent in order dated 03.12.2025. The review is not sought on account of discovery of any new material.

14) To establish an error apparent in order dated 03.12.2025 the plaintiff contends that this court has not recorded any of his submissions in order dated 03.12.2025 which are noted in order-sheet dated 13.11.2025.

15) The submissions of the counsel are very well on record as noted in detail in order-sheet dated 13.11.2025. Once the oral submissions addressed have been duly noted and made part of record that there is no occasion for this court to verbatim reproduce the same in the order, as the oral submissions made very well form part of record having been elaborately noted in order-sheet dated 13.11.2025.

16) As far as the contentions of the applicant/plaintiff that no Statue, Ordinance, By-Law, Rule, Regulation, Notification or Custom has been mentioned in the order dated 03.12.2025 which bars the jurisdiction of court, and that the order has been passed in ignorance of Section 9 CPC, and that the order has been passed in ignorance of doctrine of res-integria; and in ignorance of Order 27-A Rule 1 CPC and also in ignorance of judgment of Apex Court are concerned, it appears that the applicant/plaintiff wants the order to

be returned in a particular manner or format. None of these submissions suggests the existence of any error apparent on the face of the record.

17) The submissions made and the authorities cited by the applicant/plaintiff are on record and have already been considered an order dated 03.12.2025 has been passed. The authorities relied upon themselves reserves the power to declare a law, including a subordinate legislation as ultra vires for constitutional courts and impliedly bars the jurisdiction of this court.

18) The limited scope in which the civil courts may entertained to deal with a civil suit in cases where the jurisdiction is either impliedly or expressly barred has not been set out by the applicant/plaintiff in his suit and pleadings.

19) This court is not in agreement with the submissions of Ld. Counsel for the applicant that because Article 32 and 226 of the constitution nowhere reserves the powers to declare a legislation, including a subordinate legislation as ultra vires exclusively for the constitutional courts, therefore, this court has power to declare a legislation as ultra vires.

20) As Article 228A of the constitution already stands repeat, therefore, there is no occasion to discuss the same. During the course of proceedings, Ld. Counsel for the applicant/plaintiff also relied upon Section 113 CPC, which deals with- making of references to the Hon'ble High Court for opinion. The said section has no bearing and application in the facts and circumstances of the present case.

21) Lastly, the submissions of Ld. Counsel for applicant/plaintiff stating that in terms of Order 47 Rule 4 (p) CPC since the court reserved the order on the review petition, therefore, issuing of notice to the opposite party is mandatory is misconceived and misreading and misinterpretation of Order 47 Rule 4(p) CPC by the applicant/plaintiff.

22) On the basis of above-done discussion, this court arrive at the conclusion that applicant/plaintiff has not been able to highlight or establish any error apparent on the face of the record requiring this court to review order dated 03.12.2025. **According, the review petition is hereby dismissed.**

23) Lastly, before parting this court intends to put it on record that the averment made by the applicant/plaintiff in para no.2 of his review application stating that, “However, the Hon’ble Court did not record any submissions for the reasons best known to the Hon’ble Court” are not only in a bad taste, but are absolutely uncalled for.

24) Review petition being dismissed, nothing else survives in this case. File be consigned to Record Room after due compliance.

25) Order be uploaded online under digital signatures.

(Sumeet Anand)
DJ-11/Central/THC
Delhi/07.01.2026