

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No.46 of 2020
With
I.A. No.4762 of 2020

Gagan Kumar, son of Sri Madan Gopal Shah, resident of Narayan Baba Mandir, Bara Bazar, B. Deoghar, P.O., P.S. & District Deoghar (Jharkhand).

..... Petitioner.

-Versus-

1. The Union of India through the Secretary, Ministry of Social Justice and Empowerment, Trikut-I, Birajikama Place, P.O. & P.S. New Delhi, District New Delhi-110006.
2. The National Thermal Power Corporation Limited, a Government of India Enterprise through its Chairman-cum-Managing Director, NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, P.O. & P.S. Lodhi Road, District New Delhi-110003.

..... Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	:	Mr. Prem Pujari Roy, Advocate
For the UOI	:	Mr. Prashant Pallav, ASGI
		Mrs. Nitu Sinha, CGC
		Ms. Shivani Jaluka, AC to ASGI

<u>Order No.06</u>	<u>Date: 25.03.2026</u>
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1. Heard Mr. Prem Pujari Roy, learned counsel for the review petitioner, and Mr. Prashant Pallav, learned ASGI, who appears with Mrs. Nitu Sinha, learned CGC, and Ms. Shivani Jaluka for the Union of India.
2. I.A. No.4762 of 2020 seeks condonation of delay of 1738 days in instituting this review petition.
3. The review petitioner had instituted W.P.(S) No.474 of 2012, which was dismissed by the learned Single Judge on 10th October, 2014. L.P.A. No.466 of 2014 against the same was dismissed by the Division Bench on 16th September, 2015. It is against this

judgment and order that the present review petition is filed after delay of 1738 days.

4. Mr. Roy, the learned counsel for the review petitioner pointed out that W.P.(S) No.1369 of 2011, which, according to him, raised an identical issue, was dismissed by the learned Single Judge on 20th November, 2015. Against the same, the petitioner therein, preferred L.P.A. No.97 of 2016, which was allowed by a Bench whose composition was different from the Bench which dismissed the review petitioner's L.P.A. No.466 of 2014. This was by the judgment and order dated 21st April, 2020.
5. Mr. Roy submitted that soon after this conflicting judgment and order dated 21st April, 2020 was delivered and came to the knowledge of the review petitioner, this review petition was instituted on 7th September, 2020.
6. Mr. Roy further submitted that in such matters, the length of the delay is not as important as the quality of the explanation offered. He submitted that before 21st April, 2020, the review petitioner had no cause of action to file this review petition. Soon after the cause of action accrued, the review petition was filed within a reasonable period. Accordingly, he submitted that this delay should be condoned and the review petition entertained.
7. Mr. Roy further submitted that if this delay is not condoned or if the review petition is not allowed, there would be contrary decisions on the same issue which would not be in the interest of justice.

8. Mr. Prashant Pallav, learned ASGI, contested the contentions of Mr. Roy. He submitted that nothing prevented the review petitioner from appealing the judgment and order dated 16th September, 2015 or instituting the review petition against the same, if the review petitioner was confident of his legal position. He submitted that the review petitioner has virtually sat on the fence and is now trying to take advantage of the order dated 21st April, 2020 made in a different matter. He further submitted that there is no clarity whether the facts in the two matters are identical as claimed by the review petitioner.
9. We have considered the rival contentions of the parties and we are satisfied that this inordinate delay of 1738 days which corresponds to approximately five years cannot be condoned because no sufficient cause has been shown to explain the same.
10. The contention that cause of action for filing the review petition arose only on 21st April, 2020 when the Division Bench having a different composition allowed L.P.A. No.97 of 2016 is not correct. The cause of action for filing the review petition arose after the petitioner's L.P.A. was dismissed by order dated 16th September, 2015. The cause of action cannot be confused with a new ground accruing in favour of a party for filing a review petition.
11. The review petitioner, if aggrieved by the order dated 16th September, 2015, could have always challenged that order either by filing a review petition or by a petition seeking special leave. The delay is inordinate and the cause shown, in our judgment, is not sufficient for condoning the same.

12. However, before we part with this order, we think it is our duty to point out that the Union of India was a party to both the petitioner's L.P.A. No.466 of 2014, which was dismissed on 16th September, 2015 and L.P.A. No.97 of 2016, which was allowed on 21st April, 2020.
13. Therefore, the *least* that was expected of the Union of India was to place before the latter Bench the copy of the previous Bench's judgment and order dated 16th September, 2015. By this, the argument about alleged inconsistent orders could have been obviated, though we agree with Mr Pallav that this is not an acceptable explanation to condone the inordinate delay of almost 5 years in instituting this review petition.
14. Accordingly, we dismiss this interim application and, as a consequence, the civil review petition will not survive, and the same is disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

25th March, 2026
Sanjay/AKT
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