

09.01.2025
Ct. No. 30
S.L. No. 4
SM

RVW 210 of 2025
With
IA No: CAN 1 of 2025
Steel Authority of India Ltd.
Versus
State of West Bengal & Ors.
In
CO 6006 of 2009
Steel Authority of India Ltd., IISCO Steel Plant
Versus
State of West Bengal & Ors.

Mr. Soumya Mazumder, sr. adv.
Mr. Bandhu Brata Bhula
.....for the petitioner
Mr. Bikash Ranjan Neogi
Ms. Ananya Neogi
Ms. Anushka Ghosh
.....for the respondent no. 3

1. R.V.W 210 of 2025 with CAN 1 of 2025 arising out of WPA 6006 of 2009 (Steel Authority of India Limited, IISCO Steel Plant versus State of West Bengal & Ors. is taken up for hearing.
2. It is submitted by the petitioner/revisionist that the order was passed on the learned senior counsel for the writ petitioner having produced an order passed in ***“Steel Authority of India Limited versus Workman of Steel Authority of India Limited & Anr., Civil Appeal Nos. 902-903 of 2023 (arising out of SLP (C) Nos. 26634-26635 of 2019) passed on 07.02.2023,”*** whereby workmen of the same industry being the beneficiaries of another industrial award were granted certain financial benefits instead of regularization in service.

3. This Court disposed of the writ application in terms of the order passed by the Hon'ble Supreme Court, vide order dated 21.05.2025 of which review has been prayed for.

4. It is submitted by the petitioner that ground for review under Order 47 Rule 1 of CPC exists in this case. The ground is covered by the phrase "error apparent on the face of the record, or for any other sufficient reason". The said phrase has been explained by the Hon'ble Supreme Court in the case reported at **BCCI versus Netaji Cricket Club & Ors. (2005) 4 SCC 741, decided on January 10, 2005, (Paras 89, 90).**

*"89. Order 47 Rule 1 of the Code provides for filing an application for review. Such an application for review would be maintainable not only upon discovery of a new and important piece of evidence or when there exists an error apparent on the face of the record **but also if the same is necessitated on account of some mistake or for any other sufficient reason.***

90. Thus, a mistake on the part of the court which would include a mistake in the nature of the undertaking may also call for a review of the order.** An application for review would also be maintainable if there exists sufficient reason therefor. What would constitute sufficient reason would depend on the facts and circumstances of the case. **The words "sufficient reason" in Order 47 Rule 1 of the Code are wide enough to include a misconception of fact or law by a court or even an advocate. An application for review may be necessitated by way of invoking the doctrine "actus curiae neminem gravabit".

5. It is further submitted that the judgment of the Supreme Court relied upon, on being placed by the petitioner was passed under Article 142 of the Constitution of India, wherein it was specifically recorded by the Court that **the same would not be treated as precedent.**

6. On the said ground, the petitioner prays for review of the said judgment and order stating that grounds for review has been clearly made out and the said order dated 21.05.2025 be reviewed in the interest of justice, there being an error apparent on the face of the record.

7. The Supreme Court in ***BCCI versus Netaji Netaji Cricket Club & Ors. (supra)*** has categorically held that a review would be maintainable **not only** upon discovery of new and important piece of evidence or when there exists some error apparent on the face of the record **but also if the same be necessitated on account of some mistake or for any other sufficient reason** (as in the present case).

8. On hearing the learned counsels for the parties and on perusal of notes of argument filed along with the judgments relied upon, it appears that in the judgment dated 21.05.2025 of which review has been prayed for, the Court on the understanding that the

judgment of the Supreme Court was applicable to the writ applicants granted relief in favour of the workmen, as per the relief granted by the Supreme Court in ***Steel Authority of India Limited Versus Workmen of Steel Authority Limited and Anr., Civil Appeal No. 902-903/2023 decided on February 7, 2023, by treating the same as precedent.***

9. In ***Malleeswari versus K. Suguna reported in 2025 INSC 1080 [2025 SCO.LR 9(3) [11]*** dated 9th September, 2025, the Supreme Court laid down the guidelines for a review at Para 14, 15 & 17.

“14. In summing up precedents on the point, the judgment may not be understood as though we are putting an old spin on a classic. The court notes that there is no infirmity or illegality in entertaining the review petition; however, the approach to the error pointed out warrants a review of the precedents on the point.

15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of Court.

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. **Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.**

17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. **Review grounds are summed up as follows:**

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. **Such an error is a patent error and not a mere wrong decision.** An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.

17.3 Lastly, the phrase ‘for any other sufficient reason’ means a reason that is sufficient on grounds at least analogous to those specified in the other two categories.”

10. Thus, in view of the observations in this order at Para 8, the petitioners have shown sufficient reasons and made out a case that the order dated 21.05.2025 is reviewable and accordingly the matter be fixed for hearing on 20.01.2025.

[Shampa Dutt (Paul). J]