



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**RA-CW No.488 of 2026(O&M) in
CWP No.31045 of 2025
Date of Decision: 10.09.2026**

Rohtash and others

.....Applicant/Petitioners

VERSUS

Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. S.K.Liberhan, Advocate
for the applicant/petitioners.

Mr. Vivek K.Thakur, Advocate
for the respondents.

HARPREET SINGH BRAR, J.

CM No.14917-CWP of 2026

Instant application has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 13 days in filing of the review application.

Heard.

In view of the grounds mentioned in the application as well as arguments addressed, the same is allowed. Delay of 13 days in filing of the review application is condoned.

CM No.14918-CWP of 2026

Prayer in the instant application filed under Section 151 CPC is for placing on record copy of order dated 01.08.2026, notification dated 14.10.2019 and notification dated 21.10.2019 as Annexures P7 to P9.

In view of the facts mentioned in the application as well as arguments addressed, the same is allowed and the documents, as prayed for, are taken on record as Annexures P7 to P9 subject to just exceptions.

RA-CW No.488 of 2026

1. The present review application has been filed under Order 47 Rule 1 of the Code of Civil Procedure, 1908, seeking review/recall of judgment dated 23.12.2025 passed by this Court in CWP No.31045 of 2025.

2. Learned counsel for the review applicant/petitioners contends that the respondents have acted contrary to the notifications dated 14.10.2019 and 21.10.2019, Annexures P-8 and P-9, respectively. Learned counsel further submits that the applicant/petitioners have learnt that certain posts in the ESM and Sportsperson categories remained unfilled, yet the respondent-Corporation failed to operate the waiting list. It is contended that, upon operation of the waiting list, the applicants/petitioners would be considered for appointment against such unfilled posts.

3. On the other hand, learned counsel for the respondent-Corporation vehemently opposes the review application, contending that the aforesaid ground was neither pleaded in the writ petition nor raised in the representation. Learned counsel submits that although the advertisement in question was issued in 2022, the petitioners, for the first time, submitted the representation only on 24.06.2025,

after a delay of three years. It is further submitted that the unfilled posts were carried forward and two subsequent advertisements were issued in the years 2023 and 2025. Learned counsel also contends that the review application is liable to be dismissed on the sole ground that it has been filed through a counsel other than the one who represented the petitioners in the writ petition.

4. I have heard the learned counsel for the parties and perused the record of the case with their able assistance.

5. Hon'ble the Supreme Court, in a *catena* of judgments, has categorically held that an order can be reviewed only on the grounds prescribed under Order XLVII Rule 1 of the CPC, 1908, i.e., (a) discovery of new and important matter or evidence; (b) error apparent on the face of the record; and (c) any other sufficient reason. The expression "any other sufficient reason" have been interpreted by Hon'ble the Supreme Court to mean a reason analogous to those specifically enumerated in the Rule. Where review is sought on the ground of discovery of new matter or evidence, such material must be relevant and of such a nature that, had it been placed before the Court, it might have led to a different conclusion. Further, the party seeking review must demonstrate that the said material was not within its knowledge and could not, despite the exercise of due diligence, have been produced before the Court at the time of the original hearing.

7. Furthermore, in a review petition it is not open to this Court to re-appreciate the evidence and arrive at a different conclusion, even if such a conclusion is otherwise possible. Appreciation of the evidence on record falls within the domain of the learned Appellate Court and once this Court has recorded a finding of fact and arrived at a conclusion, the same cannot be assailed in review unless it is demonstrated that there is an error apparent on the face of the record or

a ground analogous thereto. Permitting the review petitioner to re-agitate questions relating to appreciation of evidence would amount to converting the review petition into an appeal in disguise. A decision, however erroneous, therefore, cannot by itself furnish a ground for review and may be corrected only in appeal. Furthermore, the error sought to be reviewed must be self-evident and apparent on the face of the record, sufficiently grave to be discernible on a mere cursory examination, or arise from an omission so glaring as to warrant interference in review jurisdiction. A two-Judge Bench of Hon'ble the Supreme Court in **Kamlesh Verma v. Mayawati, 2013 SCC Online SC 714**, speaking through Justice P. Sathasivam, has summarized the principles regarding the exercise of review jurisdiction in the following manner:

“16. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute :

(A) When the review will be maintainable:-

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;*
- (ii) Mistake or error apparent on the face of the record;*
- (iii) Any other sufficient reason.*

*The words "any other sufficient reason" has been interpreted in **Chhajju Ram v. Neki, AIR 1922 Privy Council 112** and approved by this Court in **Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius & Ors., (1955)1 SCR 520**, to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in **Union of India v. Sandur Manganese & Iron Ores Ltd. & Ors., 2013(3) Recent Apex Judgments (R.A.J.) 436 : JT 2013(8) SC 275**.*

(B) 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 re-heard 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.

(emphasis added)

6. Reliance in this regard can also be placed on the judgment rendered by a two-Judge Bench of Hon'ble the Supreme Court in *State of Telangana v. Mohd. Abdul Qasim (Died)*, 2024 INSC 310, wherein the Court, speaking through Justice M.M. Sundresh, has observed as follows:

“19. The words "due diligence", though one of fact, places onus heavily on the one who seeks a review. It has to be seen from the point of view of a reasonable and prudent man. Though an element of flexibility is given to any evidence or matter on its discovery, it has to be one which was not available to the court earlier. It could not have been produced despite due diligence, meaning thereby that it should have been available and, therefore, in existence at least at the time of passing the decree.

20. Mistake or error apparent on the face of record would debar the court from acting as an appellate court in disguise, by indulging in a re-hearing. A decision, however erroneous, can never be a factor for review, but can only be corrected in appeal. Such a mistake or error should be self-evident on the face of record. The error should be grave enough to be identified on a mere cursory look, and an omission so glaring that it requires interference in the form of a review. Being a creature of the statute, there is absolutely no room for a fresh hearing. The court has got no role to involve itself in the process of adjudication for a second time. Instead, it has to merely examine the existence of an apparent mistake or error. Even when two views are possible, the court shall not indulge itself by going into

the merits.

21. The material produced, at this stage, should be of such pristine quality which, if taken into consideration, would have the logical effect of reversing the judgment. Order XLVII Rule 1 of the CPC, 1908 indicates that power of review can be exercised by courts, in three different situations, but these occasions ought to be read in an analogous manner. In other words, they should be read in a manner to mean that a restrictive power has been conferred upon the court. As stated, the words "for any other sufficient reason" ought to be read in conjunction with the earlier two categories reiterating the scope. Being a judicial discretion, it has to be exercised with circumspection and on rare occasions. It is a power to be exercised by way of an exception, subject to the rigours of the provision.

22. A subsequent event per se cannot form the basis of a review. Sub-clause (c) of Order XLVII Rule 1 of the CPC 1908, clearly specifies that the important matter or evidence produced must have been available at the time when the decree was passed. This is a matter of rule. On a very rare occasion, an exception can be carved out. Such an exception can only be exercised when the said matter or evidence is of unimpeachable quality. It is not only a new matter or evidence that should be taken into consideration, but it should also be an important one.

23. While exercising the said power, the court has to first check the evidentiary value of such discovery, including the circumstances under which it emanated, particularly when it inherently lacks jurisdiction or the evidence cannot be made admissible in law and therefore, is not relevant. In such a circumstance, there is no question of proceeding further in deciding the review application.”

(emphasis added)

7. Recently, the Division Bench of this Court, speaking through Justice Harsimran Singh Sethi, in its order dated 17.04.2026 passed in **RA-CW-167-2026**, titled ‘*Union of India and others v. Daljit Singh and another*’, has made the following pertinent observations in this regard:

“2. The assertion which is being made in the present review application is that the interpretation given by the Court is incorrect.

3. As per the settled principle of law, the jurisdiction to review an order is very limited and same is only permissible, in case, any incorrect fact or discrepancies in facts have been recorded to arrive at a conclusion.

Further, the remedy to file review is permissible, in case, any fact which was not in the knowledge of the review applicant despite due diligence, has come to the notice of such review applicant so as to press the same into review so as to recall the order.

4. In the present case, the review of the order dated 01.12.2025 is being sought on the ground that the conclusion arrived at by the Court keeping in view the facts and circumstances of the present case which were brought on record, is not correct. The said ground is not permissible while adjudicating upon a review application, as the contention that an order passed by Court is incorrect can only be agitated in an appeal. Hence, no review can be filed under the guise of an appeal in order to re-argue the case so as to convince the Bench hearing the review application to arrive at a different conclusion.

5. As per settled principle of law, under the garb of review petition, the review-applicant cannot be allowed to re-argue the case as the review Court cannot sit in appeal over its own decision. Reliance can be placed upon the judgment of Hon'ble Supreme Court of India in **Civil Appeal Nos.1167-1170 of 2023 titled as S. Murali Sundaram vs. Jothibai Kannan and others decided on 24.02.2023**. Relevant paragraph of the said judgment is as under:-

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6. Further, the Hon'ble Supreme Court of India in **Aribam Tuleshwar Sharma vs. Aribam Prishak Sharma, (1979) 4 SCC 389** has been held that it is only on discovery of new and important matter which after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when order was made, the remedy of review may be exercised however, a review petition cannot be filed on the ground that decision was erroneous on merits as the same will be province of a Court of appeal. Relevant paragraph of the judgment is as under:-

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7. While deciding the same issue of review, the Hon'ble Supreme Court of India in **Parison Devi vs. Sumitri Devi (1997) 8 SCC 715** held that an error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the exercise of power of review. Hon'ble Supreme Court of India held that review petition cannot be filed for an erroneous decision to be reheard and corrected and the said review petition cannot be an appeal in disguise. Relevant paragraph of the judgment is as under..."

(emphasis added)

8. A two-Judge Bench of Hon'ble the Supreme Court in ***State of Orissa and another v. Mamata Mohanty, (2011) 3 SCC 436*** has categorically held that proceedings under Article 226 of the Constitution are required to be adjudicated on the basis of the pleadings of the parties. Speaking through Dr. Justice B.S. Chauhan, the following was observed:

*“35. Pleadings and particulars are required to enable the court to decide the rights of the parties in the trial. Thus, the pleadings are more to help the court in narrowing the controversy involved and to inform the parties concerned to the question in issue, so that the parties may adduce appropriate evidence on the said issue. It is a settled legal proposition that "as a rule relief not founded on the pleadings should not be granted." Therefore, a decision of a case cannot be based on grounds outside the pleadings of the parties. The pleadings and issues are to ascertain the real dispute between the parties to narrow the area of conflict and to see just where the two sides differ. (Vide : ***Sri Mahant Govind Rao v. Sita Ram Kesho, (1898) 25 Ind. App. 195.***; ***M/s. Trojan & Co. v. RM. N.N. Nagappa Chettiar, AIR 1953 Supreme Court 235.***; ***Ishwar Dutt v. Land Acquisition Collector & Anr., AIR 2005 Supreme Court 3165.***; and ***State of Maharashtra v. Hindustan Construction Company Ltd., 2010(2) RCR (Civil) 614 : 2010(2) R.A.J. 479 : (2010) 4 SCC 518.***”*

9. Applying the aforesaid principles to the facts of the present case, this Court finds that the grounds sought to be urged by the review applicant do not disclose any error apparent on the face of the record. The review jurisdiction cannot be invoked to introduce a new case or to fill up omissions in the pleadings after the matter has already been adjudicated. Further, the grounds taken in the review application were never pleaded in the writ petition by the applicant/petitioners. Moreover, the delay in approaching this Court is, by itself, sufficient to suffocate the claim set up by the petitioner.

10. It may further be noticed that Hon'ble the Supreme Court in ***Tamil Nadu Electricity Board and another v. N. Raju Reddiar and another, (1997) 9***

SCC 736, deprecated the practice of seeking review/clarification through a different counsel with a view to reargue a matter already concluded.

11. In view of the foregoing discussion, this Court finds no error apparent on the face of the record or any other ground warranting review of the judgment dated 23.12.2025 passed in CWP No.31045 of 2025. Consequently, the present review application is dismissed.

12. Pending misc. application, if any, stands disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

September 10 , 2026.
'om'

Whether speaking/reasoned. :	Yes/No
Whether Reportable. :	Yes/No