



2025:CGHC:60874-DB

AFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### REVP No. 422 of 2025

Sanjeev Kumar Yadav S/o Permashwar Yadav, Aged About 48 Years R/o Mahapatre Colony, Jashpur Nagar, Tehsil And District Jashpur (C.G.)

... **Petitioner**

**versus**

**1** - State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, New Raipur, District Raipur (C.G.)

**2** - Commissioner, Surguja Division, Ambikapur, Surguja C.G.

**3** - Chief Executive Officer, Zila Panchayat, Jashpur, District Jashpur (C.G.)

**4** - Block Education Officer, Bageecha, District Jashpur (C.G.)

**5** - Assistant Commissioner Of Tribal Welfare, Jashpur, District Jashpur (C.G.)

---- **Respondents**

(Cause title taken from Case Information System)

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For Petitioner	:	Mr. Rohitashva Singh, Advocate
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For Respondents	:	Mr. U.K.S. Chandel, Deputy A.G.
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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**Per Ramesh Sinha, C.J.**

**15/12/2025**

- The present review petition has been filed by the petitioner for reviewing the order dated 18.03.2025, passed by this Court in WA No.

184 of 2025, whereby the writ appeal filed by the review petitioner was dismissed.

2. The review petitioner filed a WPS No. 3492 of 2018 challenging the order dated 02.04.2018 and 18.09.2017, passed by Commissioner, Surguja division, place Ambikapur and Zila Panchayat, Jashpur, whereby the petitioner was held guilty in the departmental enquiry and penalty was imposed for stoppage of four annual increments with cumulative effect. The orders were challenged in the WPS No. 3492 of 2018 on the ground that, the petitioner was not given any opportunity to cross examine the witnesses and the documents were not supplied, which is violative of principles of natural justice and reflected arbitrariness. The writ petition filed by the petitioner was dismissed by the learned Single Judge holding that the inquiry was conducted in accordance with the prescribed procedure and there was no violation of principles of natural justice and by affirming the order passed by the appellate authority, dismissed the writ petition vide order dated 23.01.2025.
3. The order dated 23.01.2025, passed by learned Single Judge was challenged in WA No. 184 of 2025. The said writ appeal was also dismissed after hearing the parties vide order dated 18.03.2025 upholding the order passed by learned Single Judge.
4. Against the order dated 18.03.2025, passed by this Court in WA No. 184 of 2025, the petitioner filed Special Leave to Appeal (C) No. 16712/ 2025 (Sanjeev Kumar Yadav v. State of Chhattisgarh and others) before the Hon'ble Supreme Court, which is also dismissed

vide order dated 08.08.2025. After dismissal of the Special Leave to Appeal (in short “SLP”) by the Hon'ble Supreme Court, the petitioner has filed the present review petition for reviewing the order dated 18.03.2025, passed in WA No. 184 of 2025.

5. Learned counsel appearing for the review petitioner would submit that, the review petition is maintainable even after dismissal of the SLP by the Hon'ble Supreme Court. The SLP filed by the petitioner is dismissed in limine and not on merits. Referring the judgment passed by the Hon'ble Supreme Court in the matter of **“Khoday Distilleries Limited and others v. Sri Mahadeshwara Sahakara Sakkare Karkhane Limited”** Civil Appeal No. 2432 of 2019, order dated 01.03.2019, would submit that, since the SLP was not decided on merits, the review petition can be entertained by this Court. He would further submit that, in para 5 of the order dated 18.03.2025, the observation that, the statement of the counsel for the appellant/petitioner that the copy of inquiry report was received by the petitioner on 09.06.2016 is factually incorrect and contrary to the record and the inquiry report was never provided to the petitioner before passing of the order dated 18.09.2017. The order dated 18.09.2017 was passed without affording the opportunity to the petitioner and a major penalty of stoppage of four increments with cumulative effect have been passed against the petitioner, therefore, the order dated 18.03.2025 passed by this Court in WA No. 184 of 2025 may be reviewed and the impugned order may be set aside.
6. We have heard learned counsel for the review petitioner and perused

the record of the review petition, writ appeal and writ petition.

7. From perusal of the record it transpires that, the WPS No. 3492 of 2018 was argued before the learned Single Judge by Mr. Vineet Kumar Pandey, Advocate. The WA No. 184 of 2025 was argued by another counsel Mr. B.P. Sharma and Mr. Sameer Oraon, Advocates and the present review petition has been filed by Mr. Rohitashva Singh, Advocate.
8. In the matter of **“Tamil Nadu Electricity Board and Another v. N. Raju Reddiar and Another”** 1997 (9) SCC 736, the Hon'ble Supreme Court deprecated the practice of filing review petition by engaging a different counsel. In para 1 of its judgment, the Hon'ble Supreme Court has held that:-

**“1. It is a sad spectacle that new practice unbecoming of worthy and conducive to the profession is cropping up. Mr. Mariaputham, Advocate-on-Record had filed vakalatnama for the petitioner-respondent when the special leave petition was filed. After the matter was disposed of, Mr. V. Balachandran, Advocate had filed a petition for review. That was also dismissed by this Court on April 24, 1996. Yet another advocate, Mr. S.U.K. Sagar, has now been engaged to file the present application styled as "application for clarification", on the specious plea that the order is not clear and unambiguous. When an appeal/special leave petition is dismissed, except in rare cases where error of law or fact is apparent on the record, no review can be filed; that too by the advocate on record**

who neither appeared nor was party in the main case. It is salutary to not that court spends valuable time in deciding a case. Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine; that too, with change of counsel, without obtaining consent of the advocate on record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession. In Review Petition No.2670/96 in CA No.1867/92, a Bench of three Judges to which one of us, K. Ramaswamy,J., was a member, has held as under:

"The record of the appeal indicates that Shri Sudarsh Menon was heard and decided on merits. The Review Petition has been filed by Shri Prabir Chowdhury who was neither an arguing counsel when the appeal was heard nor was he present at the time of arguments. It is unknown on what basis he has written the grounds in the Review Petition as if it is a rehearing of an appeal against our order. He did not confine to the scope of review. It would be not in the interest of the profession to permit such practice. That part, he has not obtained "No Objection Certificate" from the Advocate-on-Record in the appeal, in spite of the fact that Registry had informed him of the requirement for doing so. Filing of the "No Objection

Certificate" would be the basis for him to come on record. Otherwise, the Advocate-on-Record is answerable to the Court. The failure to obtain the "No Objection Certificate" from the erstwhile counsel has disentitled him to file the Review Petition. Even otherwise, the Review Petition has no merits, It is an attempt to reargue the matter on merits.

On these grounds, we dismiss the Review Petition".

9. The Division Bench of Allahabad High Court in the matter of "**Vinita Bhatnagar v. Union of India**" 2018 SCC Online Allahabad 6411 followed the **N. Raju Reddiar** case (supra) and has held that:-

"1. .... It is well-settled that a review application ought not to have been filed by a Counsel who has not argued the matter but ought to have been filed by the same Counsel who has earlier argued the matter. In **T.N. Electricity Board v. N. Raju Reddiar** the Apex Court has deprecated the practice of arguing the matter by one Counsel and review by another Counsel and has observed that the review application ought to have been filed by the, same Counsel who has argued the matter."

10. In another matter of "**Jai Singh v. State of Uttar Pradesh, through its Principal Secretary, Housing and Urban Planning and others**" 2023 SCC Online Allahabad 4490, the Division Bench of Allahabad High Court has held in para 20 and 21 that:-

"20. In Review Petition Defective No. 281 of 2008 titled

**U.P. State Agro Industrial Corporation Ltd. v. Anil Kumar Mishra** decided on 30.03.2012, this Court dismissed a review petition filed by a subsequently engaged counsel. The relevant portion of the aforesaid judgment is reproduced below:—

“Shri Umesh Chandra, learned senior Counsel has raised a preliminary objection that in view of law laid down by Hon'ble the Apex Court in the case of **Tamil Nadu Electricity Board v. N. Raju Reddiar**, (1997) 9 SCC 736, the review petition is not maintainable as Shri Manoj Singh, Advocate who has filed the review petition was neither appeared as a counsel on behalf of the review petitioner nor argued on their behalf in the writ petition. So, the review petition is not maintainable, liable to be dismissed on the said ground.

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Applying the abovesaid settled proposition of law in the present case, I don't find any good ground and reason taken by review petitioner in the matter in question for review of judgment and order dated 3.12.2004 passed in Writ Petition No. 1827 (SS) of 1997, and also in view of the law laid down by Hon'ble the Apex Court in the case of **Tamil Nadu Electricity Board v. N. Raju Reddiar**, (1997) 9 SCC 736, same is liable to be dismissed.

**21. The aforesaid decision of the Hon'ble Supreme**

**Court was followed by a Division Bench of this Court in Vinita Bhatnagar v. Union of India, 2018 SCC OnLine All 6411, in which this Court held that:—**

**“It is well-settled that a review application ought not to have been filed by a Counsel who has not argued the matter but ought to have been filed by the same Counsel who has earlier argued the matter. In T.N. Electricity Board v. N. Raju Reddiar (1997) 9 SCC 736 the Apex Court has deprecated the practice of arguing the matter by one Counsel and review by another Counsel and has observed that the review application ought to have been filed by the, same Counsel who has argued the matter.”**

11. In the present case also, earlier the review petitioner had initially engaged Mr. Vineet Kumar Pandey to pursue his case before the learned Single Judge. In the writ appeal before this Court, he engaged another counsel Mr. B.P. Sharma and Mr. Sameer Oraon, Advocates and in the review petition, he engaged another counsel Mr. Rohitashva Singh, who filed the instant application seeking review of the order dated 18.03.2025. The writ appeal was pleaded and argued by the counsel, who was not there before the learned Single Judge and not here in the review petition. The counsel, who is arguing the present review petition has not raised any arguments in the writ appeal. The present counsel was not an arguing counsel, when the writ appeal was heard nor was present at the time of arguments. It would not be in the interest of the justice to permit such practice.



12. The another aspect of the matter is that, against the impugned order dated 18.03.2025, the review petitioner had filed an SLP before the Hon'ble Supreme Court, which has been dismissed on 08.08.2028. The grounds raised in the present review petition could have been raised in the SLP, as the order under review is factually incorrect, but there is no such averment in the review petition that, the ground raised in the review petition was also raised in the SLP before the Hon'ble Supreme Court. The SLP is dismissed without reserving any liberty to the review petitioner. Although, the Hon'ble Supreme Court has laid down the law in **Khoday Distilleries Limited** case (supra) that, even after dismissal of the SLP in limine, the review petition would be maintainable, however, in the facts of the present case, no benefit could be extended to the review petitioner. In the **Khoday Distilleries Limited** case (supra), the review was filed on the ground that, the High Court had granted relief, which was not sought by the respondent No.1 in the suit, whereas in the present case, the review petitioner seeking review that, the observation made in para 5 of the impugned order that, the statement by the counsel for the appellant/petitioner that the copy of inquiry report was received by the petitioner on 09.06.2016, which is factually incorrect.
13. From perusal of para 5 of the impugned order it is quite vivid that, there is no such statement observed by this Court that, on 09.06.2016, the copy of inquiry report was received by the petitioner, but it is observed that, *“learned counsel for the writ appellant would submit that, without affording proper opportunity of hearing, after supplying the departmental enquiry, the punishment order has directly been*

*passed, which is violation of principles of natural justice. The inquiry report was submitted on 09.06.2016 and directly order has been passed before imposing the penalty, the proper and sufficient opportunity should have been provided to the petitioner, against whom the punishment proposed.”* Thus, the ground raised by the review petitioner for review of the order dated 18.03.2025 is totally misconceived.

14. The scope of review jurisdiction is no longer *res-integra* and it is well settled through a catena of decisions that, an application for review cannot be treated to be an opportunity to argue the case on merits afresh. In the garb of the review application, rehearing of the appeal on merits cannot be allowed.
15. In the matter of **“Tungabhadra Industries Limited v. The Government of Andhra Pradesh”** AIR 1964 SC 1372, the Hon'ble Supreme Court has held that *“A review is by no means an appeal in disguise, whereby an erroneous decision is reheard and corrected, but lies only for patent error.”*
16. In the matter of **“M/s Northern India (India) Ltd. v. Lt. Governor of Delhi”** 1980 (2) SCC 167, the Hon'ble Supreme Court held that:-

**“A plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. A review in counsel's mentation cannot repair the verdict once given. So the law laid down must rest in peace”**

17. In the matter of **“Sajjan Singh and others vs. State of Rajasthan and others”** AIR 1965 SC 845. the Hon'ble Supreme Court held that:-

**"the parties are not entitled to seek review of the judgment delivered by this Court merely for purpose for review and fresh decision of the case. The normal principle that judgments pronounced by this Court would be final, cannot be ignored and unless considerations of a substantial and compelling character make it necessary to do so."**

18. In the matter of **“Parsion Devi and others v. Sumitri Devi and others”** 1997 (8) SCC 715, the Hon'ble Supreme Court in para-9 held as under:-

**"Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 court to exercise its power review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has limited purpose and cannot be allowed to be "an appeal in disguise."**

19. In the matter of **“M/S Shanti Conductors (P) Ltd v. Assam State Electricity Board”** 2020 (2) SCC 677, the Hon'ble Supreme Court dismissed the petition and held that:-

**"The scope of review is limited and under the guise of review, petitioner cannot be permitted to reagitate and reargue the questions, which have already been**

addressed and decided."

20. In the matter of "**Kamlesh Verma v. Mayawati**" 2013 (8) SCC 320, the Hon'ble Supreme Court has held in para 19 that:-

**"19. 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 CPC. In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction."**

21. From the aforesaid discussions and in view of the fact that, after dismissal of the writ appeal on 18.03.2025, the SLP before the Hon'ble Supreme Court challenging the order dated 18.03.2025 has also been dismissed on 08.08.2025 and the grounds raised in review petition for review of the impugned order is misconceived. There appears no error apparent on the face of record and the counsel who argued the writ appeal, has not filed the review petition and the same has been filed by another counsel. By the instant review petition, the petitioner is wasting precious time of the Court by filing misconceived review petition, that too by appointing a different Advocate. Therefore, the review petition is liable to be dismissed with a cost of Rs. 2 lakhs, but as the counsel for the review petitioner has repeatedly tendered oral unconditional apology for filing such a frivolous review petition misusing the process of law, in view of the same, the Court deems it proper in order to deprecate such practice impose a cost of

Rs. 50,000/-, which is payable by the petitioner in the Registry of this Court and the same shall be transmitted to the Government Specialized Adoption Agency, Gariyaband (C.G.). The cost shall be deposited by the petitioner within one month from today, failing which it shall be recovered as arrears of the land revenue by the Registrar General of this Court in accordance with law.

22. Accordingly, the review petition is **dismissed**.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice

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## HEAD NOTE

1. The practice to file review petition without any substantial error apparent on the face of record, that too; with change of counsel is not conducive to healthy practice of the bar, which has the responsibility to maintain the salutary practice of profession.

2. The scope of review is limited under the guise of review, the petitioner cannot be permitted to reagitate and reargue the case, which has already been addressed and decided.