

Present: Shri S. P. Nanda Chairperson
Shri B. K. Misra, Member
Shri S. P. Swain, Member

3. The Learned Counsel appearing for the petitioner submitted that the Order of the Commission in Case No. 39/2012 is to be reviewed as the said order is contrary to the Agreement in force between the parties, which is an error apparent on the face of the record and in the said order the words with “interest” and “within a period of 15 days” required to be modified.
4. The Respondent M/s. Sourav Alloys & Steel (P) Ltd. submitted that under order 47 R-1 Civil Procedure Code, 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 of review under O 47 R-1 CPC. In exercise of the jurisdiction under O 47 R-1 CPC, it is not permissible for an erroneous decision to be “re-heard and corrected”. A review petition has a limited purpose and can’t be allowed to be an appeal in disguise. Therefore, the order which has been sought for to be reviewed by OPTCL has no error apparent on the face of record and the review petition of OPTCL should not be allowed and dismissed in limine.
5. After hearing the parties and perusal of the case records, the Commission is of the view that there is no merit in the present petition as there is no error apparent in our Order in Case No. 39/2012 dated 23.06.2012. The grounds of the prayer have been extensively dealt by the Commission in the Order in question. The observation of the Hon’ble Supreme Court in case of Parison Devi and Others vrs. Sumitree Devi and Others is noteworthy here.

“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 of review under Order 47 Rule-1 of CPC, 1908. 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”.

6. In the light of the above observation of the Hon’ble Apex Court the Petition of M/s.OPTCL is dismissed.

Sd/-
(S.P. Swain)
Member

Sd/-
(B.K. Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson