

(2025) 07 AHC CK 0768

In the Allahabad High Court

Case No : Civil Misc Review Application No. 174 Of 2025

Hindustan Petroleum Corporation Limited And Another

APPELLANT

Vs

Fida Hussain

RESPONDENT

Date of Decision : 07-07-2025

Acts Referred:

Code of Civil Procedure Act, 1908 — Section 151, Order 47 Rule 1

Citation : (2025) 07 AHC CK 0768

Hon'ble Judges : Shekhar B. Saraf, J; Praveen Kumar Giri, J

Bench : Division Bench

Advocate : Komal Mehrotra, Yash Padia

Final Decision : Dismissed

Judgement

1. This is a review application filed by the applicants (respondents in the writ petition) against the judgment/order dated 04.04.2025 passed in Writ-C No.5361 of 2025, wherein the writ petition was allowed setting aside the order dated 31.01.2025 passed by the Head of Regional Office, Meerut Retail Regional Officer, Hindustan Petroleum Corporation Limited.

2. Learned counsel appearing on behalf of the applicants has sought review of the order on several grounds as provided below:

a. The Court overlooked the fact that brochure for Dealer Selection provides for non rectifiable clause since 2023 advertisement and the respondent herein (petitioner in the writ petition) has never challenged the vires of the said guidelines.

b. The Court overlooked the fact that in contractual matters, the parties are bound by the terms and conditions of the advertisement/brochure and the Court cannot direct any party to act contrary to the terms and conditions of the brochure. Allowing respondent herein to rectify a non rectifiable mistake would frustrate the clauses of guidelines under the garb of human error.

c. In *M/s Indian Oil Corporation Limited & others v. Raj Kumar Jha & Others* reported in (2012) 2 PLJR 783, the Patna High Court has upheld the rejection of the application by corporation and directed strict adherence to the terms and conditions mentioned in the advertisement.

3. Upon perusal of the order sought to be reviewed, it is clear that this Court had gone into all the materials that were present before this Court at that time. Furthermore, this Court finding the defect in the PAN to be curable at the first instance had set aside the order rejecting the application for award of retail outlet dealership of the petitioner.

4. In the present case, the first two grounds of review have already been dealt with by this Court holding that the mistake was apparently a misspelling with regard to second letter in the PAN. The respondent herein also submitted a correct PAN and if clarification was sought by the Corporation, it would have been resolved by the respondent herein at the first instance. The writ Court decided the matter based on the peculiar facts and circumstances of the case and has expressly made it clear that the judgment shall not serve as a precedent for others. With regard to the third ground for review, the learned counsel has placed reliance on a judgment of Patna High Court in *Raj Kumar Jha (Supra)*; however as it pertains to a Letters Patent Appeal, it cannot govern the limited scope of review.

5. It is to be noted that review jurisdiction is a limited jurisdiction and is governed by certain principles that have been summarized in the judgment of Calcutta High Court in *State of West Bengal v. Confederation of State Government Employees*; 2019 SCC Online Cal 9181. The relevant paragraph of the judgment is quoted hereinbelow:

"On a reading and comprehension of the Supreme Court judgments on this issue the following principles emerges :-

A. The power to review is inherent in the High Court and the High Court can review its own order/judgment passed in a writ petition.

B. This power of review is a limited power and would be governed by the principles of section 151 read with Order 47 Rule 1 of the Code of Civil Procedure.

C. Firstly, a Court can review its own judgment when there is discovery of new and important matter or evidence that was in spite of exercise of due diligence not within the knowledge or could not be produced due to cogent reasons by the party seeking a review. Secondly, the Court may review its order or judgment on account of some mistake or error apparent on the face of the record. Thirdly, a residuary clause in rule 1 of Order 47 provides for a review 'for any other sufficient reason'. It is to be noted that the Apex Court on several occasions has hold that the third condition "for any other sufficient reason" has to be read within the four corners of the first to conditions.

D. An error which is not self-evident and has to be detected by a process of

reasoning is not an error apparent on the face of the record.

E. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise". There is a sharp distinction between an erroneous decision that can be only appealed against and an error apparent on the face of the record that is subject to review.

[See Sasi (D through LRs v. Aravindakshan Nair reported in (2017) 4 SCC 692. Haridas Das v. Usha Rani Banik reported in (2006) 4 SCC 78, paras 15-18; Parsion Devi v. Sumitri Devi reported in (1997) 8 SCC 715, paras 7-10; Aribam Tuleshwar Sharma v. Aribam Pishak Sharma reported in (1979) 4 SCC 389, para3]"

6. In view of the principles enunciated above, the grounds in the present review application neither fall within the ambit of 'discovery of new and important matter or evidence' nor within 'mistake or error apparent on the face of record'.

7. The review application appears to be an appeal in disguise, and accordingly, the same is dismissed.