

(2000) 05 NCDRC CK 0010

In the National Consumer Disputes Redressal Commission

I.S.CHADDHA

APPELLANT

Vs

R.C. SOOD AND COMPANY PRIVATE LIMITED

RESPONDENT

Date of Decision : 11-05-2000

Acts Referred:

Citation : 2000 2 CPJ 27

Hon'ble Judges : A.N.Divecha J.

Final Decision : Review Application dismissed

Judgement

1. THE applicant/complainant has moved this application for review of the order passed by a Division Bench of this Commission on 15th September, 1997. By that order, the applicant/complainant's application for interim relief came to be rejected by a well-considered reasoned order.

2. THE order was passed by the Bench comprising the then Member Shri S.K. Parthasarthy sitting with me. THE then Member Shri Parthasarthy has demitted his office on and from 31st August, 1999. Since I was a Member of the Bench which passed the order of which review is sought, I have taken up its hearing sitting singly. Learned Advocate Mr. Joneja for the review applicant has tried to argue his case on the basis of practically the same material and the same set of facts. I do not think that he could be permitted to state the same facts and the same submissions which were before this Commission when the order of which review is sought came to be passed. No party can be permitted to play the same innings twice over. No re-hearing can be given on the same materials and on the same set of facts as sought to be done in this case.

I am fortified in my view by the binding ruling of the Hon''ble Supreme Court in the case of Mahindra and Mahindra Limited v. The Union of India & Anr., reported in AIR 1979 Supreme Court at p. 798. No party can claim re-hearing of the case under the guise of review under Section 13(2) of the Monopolies and Restrictive Trade Practices Act, 1969. By virtue of Articles 141 and 144 of the Constitution of India, the aforesaid ruling of the Hon''ble Supreme Court would be binding to this Commission. Even otherwise, the Full Bench of this Commission in its ruling in

the case of The Director General (Investigation and Registration) v. Holy Angels School, reported in (1998) 6 CTJ at p. 129, has inter alia held that each and every ruling of the Hon"ble Supreme Court is binding to this Commission. The aforesaid binding ruling of the Hon"ble Supreme Court is on all fours applicable in the present case. No re-hearing on the same material and on the same set of facts is permissible as held by the Hon"ble Supreme Court in its aforesaid ruling. This is exactly what is sought to be done by means of the present review application. It cannot be permitted to be done. In view of my aforesaid discussion, I am of the opinion that there is no merit or substance in this review application and it deserves to be and is hereby rejected however with no order as to costs on the facts and in the circumstances of the case. Review Application dismissed.