



IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 8<sup>th</sup> OF MAY, 2025

REVIEW PETITION No. 754 of 2025

*M/S BANMORE ELECTRICALS PVT LTD THROUGH ITS DIRECTOR  
NIRMAL KUMAR JAIN*

*Versus*

*MADHYA PRADESH INDUSTRIAL DEVELOPMENT CORPORATION  
LIMITED*

.....  
Appearance:

*Shri Prashant Sharma - Advocate for the petitioner.*

*Shri Raghvendra Dixit - Advocate for the respondent [R-1].*  
.....

ORDER

The present review petition under Order 47 Rule 1 CPC has been filed by the review petitioner assailing the order dated 09.04.2025 passed in Arbitration Case No.84/2023, whereby this Court had dismissed the application under Section 11(6) of the Arbitration and Conciliation Act, 1996 on the ground of limitation.

2. Learned counsel for the petitioner while assailing the said order has sought review of the order on the ground that the notices dated 11.07.2013 and 19.09.2013 were quashed in the proceedings initiated by the Review Petitioner and lastly, an opportunity was granted by the Writ Appellate Court in W.A. No.1107/2020 vide order dated 06.02.2023 to approach before appropriate forum against the demand raised and as the petitioner had resort of Section 14 of Limitation Act, but aforesaid aspect appears to have been



skipped consideration, therefore, the order impugned herein deserves to be reviewed and recalled and the arbitration case is required to be heard on its merits.

3. On the contrary, learned counsel for the respondent Shri Raghvendra Dixit by placing reliance in the matters of **Rudrapal Singh Bhadoria vs. Arvind Kumar and Ors** passed in R.P. No.261/2024 dated 28.01.2025 and in the matter of **Harshvardhan Singh Rajpoot vs. Vikram Singh Rajpoot and Ors** passed in R.P. No.92/2025 dated 27.01.2025 has argued that while considering scope of review under Order 47 Rule 1 r/w Section 114 of CPC, this Court has already held that repetition of old and overruled arguments are not enough to reopen concluded adjudications as the review proceedings cannot be equated with the original hearing of the case. It has also been argued that this Court while considering the aforesaid matters has concluded that the review is not maintainable unless material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice and since review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected, but lies only for patent error and as it is not the case herein and the petitioner is trying to agitate the matter on merits again, the present review petition is not maintainable and entertainable. Thus, had prayed for dismissal of the present review petition.

4. Heard the counsels for the parties and perused the record.

5. This Court time and again has reiterated the fact that the scope of review under Order 47 Rule 1 read with Section 114 of CPC are very



limited. In umpteen number of cases this Court as well as the Apex Court has held that a review application would be maintainable only on (i) discovery of any new and important matters or evidence which, after exercise of due diligence, were not within the knowledge of the applicant or could not be produced by him when the decree was passed or the order made; (ii) on account of some mistake or error apparent on the face of the record; or (iii) for any other sufficient reason and when any of the eventualities as discussed above exists, then an order can be recalled and reviewed but since none of the eventualities exists in the present matter, according to this Court, the present review cannot be said to be maintainable, as law with regard to accrual of any rights in favour of person who has been later on appointed in place of a person whose termination is held to be illegal later on is very well settled.

6. In a very recent judgment of Apex Court in the matter of *Govt. of NCT of Delhi and another Vs. K.L. Rathi Steels Limited and others reported in (2023) 9 SCC 757*, wherein in while referring to its another decision in the matter of *Union of India Vs. Sandur Manganese & Iron Ores Ltd. reported in (2013)8 SCC 337*, had delineated on some of the grounds as to when the review will not maintainable, which are reproduced herein as under:-

- “(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, and*

*(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.”*

7. In the light of the aforesaid discussion, this Court finds that there is no sum and substance in the present review petition, therefore, the same is hereby **dismissed**.

(MILIND RAMESH PHADKE)  
JUDGE

Chandni