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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM-4194-CWP-2025 in/and
RA-CW-125-2025 (O&M)
Date of Decision: 20.03.2025**

BRINDCO SALES PRIVATE LIMITED

. . . . Petitioner

Vs.

STATE OF PUNJAB AND ORS

. . . . Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Gurminder Singh, Advocate General, Punjab (*through VC*)
Mr. Saurabh Kapoor, Addl. A.G., Punjab
for the review applicants/respondents.

Mr. Puneet Bali, Sr. Advocate with
Mr. Bikramjit Singh Patwalia, Advocate
Mr. Gaurav Jagota, Advocate
Mr. Gagandeep Singh, Advocate
for the non-applicant/petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Matter comes up on application No.CM-4194-CWP-2025 seeking preponement of the review petition.
2. For the reasons stated in the application, the same is allowed. Review Petition No. RA-CW-125-2025 is taken on board today itself.
3. Heard learned counsel for the State. He submits that the order dated 10.01.2025 passed by this Court deserves to be reviewed, as this Court has failed to take notice of the fact that even against the company, case was registered.



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4. For the said purpose, he has handed over a report which is essentially an Enforcement Case Information Report (ECIR) wherein the name of the company has been mentioned by the Enforcement Directorate (ED) authorities.
5. We find that the review petition is wholly misconceived.
6. From the perusal of the ECIR placed on record as Annexure R-5/1, we find that mentioning of M/s Brindco Sales Pvt. Ltd. is through the Director. The said document was neither part of the record of the writ petition, nor of the reply.
7. The aforesaid facts, in our opinion, do not change the reasoning arrived at by us.
8. The Hon'ble Supreme Court in the case of **Sanjay Kumar Agarwal Vs. State Tax Officer (1) & Anr.** ; 2024(2) SCC 362, on the scope of filing the review application/petition, held as under:-

“15. It is very pertinent to note that recently the Constitution Bench in Beghar Foundation v. Justice K.S. Puttaswamy (Retired) and Others ; (2021) 3 SCC 1, held that even the change in law or subsequent decision/ judgment of coordinate Bench or larger Bench by itself cannot be regarded as a ground for review.

16. The gist of the afore-stated decisions is that:

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an



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error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be "reheard and corrected."

(v) A Review Petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

(vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/ judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review"

9. Therefore, no case for review is made out. Neither there is any error of fact, nor any error of law in passing of the order in the writ petition.

10. Review petition is accordingly ***dismissed***.

11. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

20.03.2025

Mohit goyal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No