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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 3760/2024 & REVIEW PET. 183/2025

MAN MOHAN SINGH ATTRI .....Petitioner

Through: Mr. Sunil Dalal, Sr. Adv. with Mr. Ajay Kumar Aggarwal, Mr. Sachin Jain, Mr. Nikhil Beniwal, Ms. Shipra Bali and Ms. Riya Rana, Advs.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Ms. Avshreya Pratap Singh Rudy, SPC with Ms. Usha Jamnal and Ms. Harshita Chaturvedi, Advs. for R-1
M: 9810001315
Mr. Sanjay Katyal, SC with Ms. Kritika Gupta and Ms. Ritika Bansal, Advs. for DDA
M: 9958805226
Ms. Puja S. Kalra, SC with Mr. Virendra Singh, Adv. for MCD
M: 9312839323

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

JUDGMENT

% 06.08.2025

MINI PUSHKARNA, J:

1. The present review petition has been filed by the petitioner in *W.P.(C) 3760/2024*, seeking review of the judgement dated 23rd December, 2024, passed in a batch of connected matters, i.e., *CONT.CAS(C) 647/2024*, *W.P.(C) 14960/2023*, *W.P.(C) 3760/2024* and *W.P.(C) 6850/2024*, by way of which this Court had allowed the demolition, reconstruction and

rehabilitation in relation to 'Signature View Apartments'.

2. The review petitioner had filed the petition, *W.P.(C) 3760/2024*, challenging the authority of Delhi Development Authority ("DDA"), to carry out demolition and re-construction of Signature View Apartments, and further sought for conducting of repair works, instead of demolition and reconstruction of the Signature View Apartments.

3. The review petition has been filed on the ground that this Court in its judgement dated 23rd December, 2024, has overlooked and ignored factual and legal submissions placed on record by the petitioner in his writ petition. It is also the case of the review petitioner that this Court has not dealt with the genesis of the matter, i.e., conspiracy hatched by DDA officials, along with the members of the Resident Welfare Association ("RWA") of the Signature View Apartments, and fraud has been played upon this Court by the said parties. Further, the report dated 19th November, 2022 submitted by Sh. Shashank Bishnoi from Indian Institute of Technology ("IIT"), Delhi is void and illegal, as the same was made by him in his individual private capacity, and not through proper channel. Therefore, it is the contention of the review petitioner that the reliance of this Court on the said report given by the aforesaid Structural Engineer from IIT, Delhi, is erroneous.

4. The review petitioner further avers that the petitioner herein was not made a party in *W.P.(C) 6850/2024*, titled as *Shakuntala Devi & Ors. Versus Union of India & Ors.*, on account of which the review petitioner was unable to rebut the veracity of the averments made in the said petition. Thus, it is submitted that there exists a mistake and error apparent on the face of the record with respect to the judgement dated 23rd December, 2024, as there was no order of clubbing of all the petitions, and therefore, the common

judgment pronounced in all the petitions, has seriously prejudiced the rights and contentions of the review petitioner, raised in the petition filed by him, i.e., *W.P.(C) 3760/2024*.

5. On the other hand, the DDA opposed the review petition and further justified the engagement of Mr. Shashank Bishnoi from IIT Delhi, and the report received from him.

6. At the outset, this Court notes that a review jurisdiction is restricted and the scope of a review is limited to there being a clear mistake or error apparent on the face of the record. Furthermore, in a review petition, the Court cannot enter into re-appreciation of facts/questions which have categorically been dealt with by the Court in the judgment under review, nor can it deal with bare statements unsupported by any evidence or proof, especially, when the said statement on the face of it, are questions which are disputed. A court cannot rehear a matter like an appeal, as a review petition has a limited purpose.

7. Elucidating upon the scope of a review, the Supreme Court in the case of ***Kamlesh Verma Versus Mayawati and Others***, ***(2013) 8 SCC 320***, observed as follows:

> *"xxx xxx xxx*
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> ***20.1. <u>When the review will be maintainable:</u>***
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> ***<u>(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;</u>***
>
> ***<u>(ii) Mistake or error apparent on the face of the record;</u>***
>
> ***<u>(iii) Any other sufficient reason</u>***.
>
> ***<u>The words "any other sufficient reason" have been interpreted</u>*** *in Chhajju Ram v. Neki [(1921-22) 49 IA 144: (1922) 16 LW 37: AIR 1922 PC 112] and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulose Athanasius [AIR 1954 SC 526:*

(1955) 1 SCR 520] ***to mean "a reason sufficient on grounds at least analogous to those specified in the rule"****. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. [(2013) 8 SCC 337: JT (2013) 8 SC 275]*

20.2. When the review will not be maintainable:

(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 reheard 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.

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

xxx xxx xxx"

(Emphasis Supplied)

8. Keeping in view the settled position with regard to scope of a review petition, this Court proceeds to deal with the various averments as raised by the review petitioner.

9. As regards the contention apropos the report filed by Sh. Shashank Bishnoi from IIT, Delhi, it is to be noted that the objections with regard to the same, were raised at the time of hearing of arguments in the writ petitions, and the same did not find favour with this Court. It has been noted in the impugned judgment that the report received from IIT, Delhi

recommending demolition of the structures in question, was placed before the Lieutenant Governor, Delhi. Upon his directions, the said report was also shared with the Municipal Corporation of Delhi ("MCD") for appropriate decision and a Committee was also constituted pursuant thereto. The said aspect has been considered in detail in the impugned judgment.

10. Moreover, it is to be noted that reliance of this Court was not solely based upon the aforesaid report, and this Court had taken into account, the report of the National Council for Cement and Building Materials ("NCCBM"), recommendations of the Lieutenant Governor, Delhi and the Order dated 18th December, 2023 passed by the MCD after an independent inspection. Furthermore, during the course of the writ petitions, this Court had directed the Union of India to carry out their own inspection and to ascertain whether repair works can be carried out in Signature View Apartments. In furtherance to the same, the Union of India formed a committee constituting of representatives from IIT, Roorkee, Delhi Metro Rail Corporation ("DMRC") and Central Public Works Department ("CPWD"), who filed their report dated 09th April, 2024, thereby, submitting that repairs were not possible in the buildings in question. The relevant portion of the judgment dated 23rd December, 2024, discussing the aforenoted aspect, is reproduced as under:

> *"xxx xxx xxx*
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> ***Outcome of the Various Reports:***
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> *40. Considering the various reports as aforesaid, it is apparent that the buildings in question are structurally unsafe. Repair works have been undertaken by the DDA, however, the same proved to be cosmetic, since the very structure of the building was found to be fundamentally weak. Wide and deep cracks have become palpably visible in beams and pillars of structure. The repair work carried out by the DDA could not prevent further corrosion. Rather, the problem*

aggravated over the years leading to building of cracks in columns, pillars, beams and ceilings, including the deep cracks on the outer facade leading to falling of ceilings and big lumps of concrete, endangering the life and property of the residents.

41. Thus, it is evident that the structures of the residential buildings in question are inherently weak, as sub-standard building materials have been used for construction. The IIT, Delhi has stated in clear terms that there is little to no chance of achieving desired life of the structures, even if preventive measures or repairs are undertaken. It has held that given the large amount of deterioration that has already occurred, repair of these structures for safe passage is unlikely to be technically and economically feasible. Its report finally recommended that the towers in question be vacated and dismantled, as soon as possible to prevent any loss of life.

42. The DDA has undertaken intense exercise, including investigation by the expert bodies and referring the matter to the MCD for considering the expert reports. The MCD after considering the various reports has come to a considered decision that the structures in question are in dangerous condition. Considering the material before it, the DDA has concluded that the towers of the Signature View Apartments are at high risk of further deterioration and must be vacated immediately. Accordingly, decision has been taken by the DDA to demolish and reconstruct the flats in question on the basis of the reports of structural analysis by the experts. The Lieutenant Governor, Delhi, has already endorsed the reports of the experts and has approved the recommendation of the experts that the buildings in question, ought to be demolished and reconstructed.

43. Upon reference of the matter to the MCD, the MCD through a Committee constituted under the Chairmanship of Chief Engineer, Civil Line Zone, undertook the exercise of examining the report of the Structural Consultant i.e., IIT, Delhi and to form an opinion about the safety of the building. The MCD considered the reports of the NCCBM and IIT, Delhi, and after applying its mind to the various reports, came to the conclusion in the larger public interest that nothing short of demolition of the entire buildings/towers, could avoid the danger. Thus, the MCD declared that the entire towers were dangerous and not fit for habitation. The MCD directed the residents/occupiers of the Signature View Apartments to vacate the premises for appropriate action to be taken with respect to dangerous building in terms of Section 348 and 349 of the DMC Act.

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11. Other averments made by the review petitioner as regards ignoring the

various submissions made by the petitioner, and relying on the submissions made in *W.P.(C) 6850/2024*, are also without any merit. This Court finds no error apparent on the face of the record in the impugned judgment.

12. The submissions of the review petitioner regarding non-issuance of a formal notice in *W.P.(C) 6850/2024* and there being no occasion for the review petitioner to controvert/rebut the veracity of the averments made in the said petition, are totally meritless. It is to be noted that this Court had categorically issued notice in the said writ petition, i.e., *W.P.(C) 6850/2024*, *vide* order dated 24th May, 2024, and subsequently, directions were also issued to file requisite affidavit in response thereto. In pursuance to the same, the respondent therein had also filed an affidavit.

13. Further, since the issues raised in all the connected writ petitions were common and similar and pertained to the status of the structure of Signature View Apartments, the submissions of different parties in the connected writ petitions overlapped. Accordingly, all the writ petitions were heard together and the various parties being represented in the writ petitions were given an opportunity to make submissions before this Court and detailed arguments were heard spanning over a number of dates. Therefore, the submission of the review petitioner that he had no opportunity to controvert or rebut the averments made in *W.P.(C) 6850/2024*, cannot be accepted.

14. It is apparent that the various submissions made on behalf of the review petitioner, are in the nature of challenging the judgment, as if in appeal. Law in this regard is well settled that any challenge to a decision on merits cannot be subject matter of a review petition, as the same is under the purview of an appeal and such challenge cannot be considered in a review petition. A party cannot re-agitate its submissions already made at the time

of hearing of the matter, by way of a review petition. It is to be noted that a review petition is not in the nature of rehearing of a matter.

15. The aforesaid averments made by the review petitioner, appear to be a mere attempt to agitate aspects, which in all manifestation were either dealt with or could have been made during the course of the hearing of the petitions in question. The grounds of such nature cannot be entertained in a review petition, which do not point out any error apparent on the face of the record or which do not show any sufficient reason for review. By way of the present review petition, the review petitioner has tried to re-argue his petition, which is certainly not the intent and purport of a review petition, as this Court would not re-examine the case on merits while hearing a review petition.

16. It is undisputed that a Court while hearing a review petition is not permitted to undertake the role of an appellate Court, nor deal with averments which have already been decided on merits. Thus, the Supreme Court in the case of ***State of Telangana and Others Versus Mohd. Abdul Qasim, (2024) 6 SCC 461***, has held as under:

> *"xxx xxx xxxx*
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> ***26. Mistake or error apparent on the face of record would debar the court from acting as an appellate court in disguise, by indulging in a re-hearing. A decision, however erroneous, can never be a factor for review, but can only be corrected in appeal. Such a mistake or error should be self-evident on the face of record. The error should be grave enough to be identified on a mere cursory look, and an omission so glaring that it requires interference in the form of a review. Being a creature of the statute, there is absolutely no room for a fresh hearing. The court has got no role to involve itself in the process of adjudication for a second time. Instead, it has to merely examine the existence of an apparent mistake or error. Even when two views are possible, the court shall not indulge itself by going into the merits***.

27. <u>The material produced, at this stage, should be of such pristine quality which, if taken into consideration, would have the logical effect of reversing the judgment.</u> *Order 47 Rule 1 CPC, 1908 indicates that power of review can be exercised by courts, in three different situations, but these occasions ought to be read in an analogous manner. In other words, they should be read in a manner to mean that a restrictive power has been conferred upon the court. As stated, the words "for any other sufficient reason" ought to be read in conjunction with the earlier two categories reiterating the scope.* ***<u>Being a judicial discretion, it has to be exercised with circumspection and on rare occasions. It is a power to be exercised by way of an exception, subject to the rigours of the provision</u>***.

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32. Northern India Caterers (India) Ltd. v. State (UT of Delhi) [Northern India Caterers (India) Ltd. v. State (UT of Delhi), (1980) 2 SCC 167]: (SCC pp. 171-72, paras 8-9)

> *"8.* ***<u>It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that 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</u>***: *Sajjan Singh v. State of Rajasthan [Sajjan Singh v. State of Rajasthan, 1964 SCC OnLine SC 25, para 20: AIR 1965 SC 845: (1965) 1 SCR 933, 948]. For instance, if the attention of the Court is not drawn to a material statutory provision during the original hearing, the Court will review its judgment: G.L. Gupta v. D.N. Mehta [G.L. Gupta v. D.N. Mehta, (1971) 3 SCC 189: 1971 SCC (Cri) 279: (1971) 3 SCR 748, 750]. The Court may also reopen its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice: O.N. Mohindroo v. Distt. Judge, Delhi [O.N. Mohindroo v. Distt. Judge, Delhi, (1971) 3 SCC 5: (1971) 2 SCR 11, 27]. Power to review its judgments has been conferred on the Supreme Court by Article 137 of the Constitution, and that power is subject to the provisions of any law made by Parliament or the rules made under Article 145. In a civil proceeding, an application for review is entertained only on a ground mentioned in Order 47 Rule 1 of the Code of Civil Procedure, and in a criminal proceeding on the ground of an error apparent on the face of the record (Order XL Rule 1, Supreme Court Rules, 1966). But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot*

be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except "where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility": Sow Chandra Kante v. Sk. Habib [Sow Chandra Kante v. Sk. Habib, (1975) 1 SCC 674].

9. Now, besides the fact that most of the legal material so assiduously collected and placed before us by the learned Additional Solicitor General, who has now been entrusted to appear for the respondent, was never brought to our attention when the appeals were heard, we may also examine whether the judgment suffers from an error apparent on the face of the record. Such an error exists if of two or more views canvassed on the point it is possible to hold that the controversy can be said to admit of only one of them. If the view adopted by the Court in the original judgment is a possible view having regard to what the record states, it is difficult to hold that there is an error apparent on the face of the record."

(emphasis supplied)

33. *Parsion Devi v. Sumitri Devi [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715]: (SCC p. 719, paras 9-10)*

"9. ***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 CPC. In exercise of the jurisdiction under Order 47 Rule 1 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".***

10. Considered in the light of this settled position we find that Sharma, J. clearly overstepped the jurisdiction vested in the Court under Order 47 Rule 1 CPC. The observations of Sharma, J. that "accordingly, the order in question is reviewed and it is held that the decree in question was of composite nature wherein both mandatory and prohibitory injunctions were provided" and as such the case was covered by Article 182 and not Article 181 cannot be said to fall within the scope of Order 47 Rule 1 CPC. There is a clear distinction between an ***erroneous decision and an error apparent on the face of the record****. While the first can be corrected by the higher forum, the latter only can be*

corrected by exercise of the review jurisdiction. While passing the impugned order, Sharma, J. found the order in civil revision dated 25-4-1989 as an erroneous decision, though without saying so in so many words. Indeed, while passing the impugned order Sharma, J. did record that there was a mistake or an error apparent on the face of the record which was not of such a nature, "which had to be detected by a long-drawn process of reasons" and proceeded to set at naught the order of Gupta, J. However, mechanical use of statutorily sanctified phrases cannot detract from the real import of the order passed in exercise of the review jurisdiction. Recourse to review petition in the facts and circumstances of the case was not permissible. The aggrieved judgment-debtors could have approached the higher forum through appropriate proceedings to assail the order of Gupta, J. and get it set aside but it was not open to them to seek a "review" of the order of Gupta, J. on the grounds detailed in the review petition. In this view of the matter, we are of the opinion that the impugned order of Sharma, J. cannot be sustained and we accordingly accept this appeal and set aside the impugned order dated 6-3-1997."

xxx xxx xxx"

(Emphasis Supplied)

17. Considering the present review petition on the touchstone of the established law pertaining to review of a judgment, it is apparent that the various submissions made by the review petitioner cannot be said to fall within the ambit and scope of review. The review proceedings are not appellate proceedings, and cannot be allowed to be an appeal in disguise. This Court will not go into various factual aspects raised by the review petitioner in the present proceedings, which do not indicate in any manner either any error apparent on the face of the record, or show any sufficient reason for review or recall of the judgment in question. Merely stating that there is an error apparent on the face of the record is not sufficient for this Court to review a judgment, which can only be done strictly in accordance with law and in terms of the various parameters laid down for review of a judgment.

18. In this regard, reference may be made to the judgment in the case of ***S. Madhusudhan Reddy Versus V. Narayana Reddy and Others***, ***(2022) 17 SCC 255***, wherein, the Supreme Court while delving on the aspect of a Court's review jurisdiction, has held as follows:

> *"xxx xxx xxx*
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> ***33.*** *As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that* ***the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order 47 Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter****. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence.* ***There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the superior court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order 47 Rule 1 for reviewing a judgment has been described as "for any other sufficient reason". The said phrase has been explained to mean "a reason sufficient on grounds, at least analogous to those specified in the rule"*** *(refer: Chhajju Ram v. Neki [Chhajju Ram v. Neki, 1922 SCC OnLine PC 11: AIR 1922 PC 112] and Moran Mar Basselios Catholicos v. Mar Poulose Athanasius [Moran Mar Basselios Catholicos v. Mar Poulose Athanasius, (1954) 2 SCC 42: (1955) 1 SCR 520 : AIR 1954 SC 526]).*
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> *xxx xxx xxx"*
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> *(Emphasis Supplied)*

19. In view of the aforesaid discussion, this Court is of the considered view that there is no case made out for review of the judgment dated 23rd December, 2024. No merit is found in the present review petition.

20. Accordingly, the present review petition is dismissed.

(MINI PUSHKARNA)
JUDGE

AUGUST 06, 2025
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