

**BEFORE THE WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL
KOLKATA - 700 075**

APPEAL NO. WBREAT/APPEAL No. – 01/2023

Present: 1. Shri Gour Sundar Banerjee
Hon'ble Judicial Member
2. Shri Subrat Mukherjee
Hon'ble Administrative Member

SHRI MOTILAL JHALANI

Flat No.302, Radha Krishna Apartment,
Hanskhali Pool, Andul Road, Bakultala,
Howrah- 711 109.

..... Appellant

Vs.

M/s Bengal Shrachi Housing Development Ltd.,

Shrachi Towers, 686, Anandpur, EM Bypass,
Kolkata – 700 107.

..... Respondent

Order dated 25/01/2024

Appellant/Applicant Motilal Jhalani, filed a Review Application under Section 53(4)(e) RERA Act, 2016 for review of the Order and Judgement passed on 18.08.2023 in WBREAT Appeal No. 01 of 2023.

The Appellant/Applicant himself is present and the Bench heard his submission regarding the Review Petition.

Perused the Review Petition and grounds narrated for seeking review and impugned Order of which Review is sought.

The Section 53(4)(e) of RERA and Order 47 Rule 1 of Civil Procedure Court empowers this Bench to Review its own Judgement.

Following requirement to be complied before exercising power of Review as per Section 53(4) RERA readwith Order 47 Rule 1 of CPC are as under:

1. Discovery of new and important matter or evidence.
2. Mistake or error are apparent on the face of record. Or
3. Any other sufficient reasons.

If above conditions are satisfied then and then only Power of Review should be exercised. Review of Judgement is a serious steps and there should be reluctant resort to do only where a glaring omission, patent mistake or grave error has crept in earlier by Judicial fallibility.

Scope of Power of Review is very limited and should not be confused with Appellate Power to correct errors committed by Subordinate Forum. Greater care, seriousness and restrained is needed in Review Application. Review is Judicial Examination of the Case by the same Judgement or by same Court.

On careful scrutiny of Review Petition filed by the Appellant/Applicant, this Bench is of opinion that the present Review Petition does not comply mandatory requirement for filing Review Petition. Neither there is a mistake nor error apparent on the face of record nor there is discovery of new and important matter or evidence which existed prior to passing Judgement on 18.08.2023. In fact, Applicant failed to show any other sufficient reason for filing Review Application. So, Power of Review as per Section 53(4)(e) of RERA should not be exercised for want of compliance of mandatory requirements, as stated above.

In the result the Review Application is rejected.

Hence it is,

ORDERED

That the Review Application filed on 25.01.2024, is rejected.

Let a copy of this Order be sent to the Appellant and Respondent and all concerned as usual by e-mail.

Dictated

Shri Gour Sundar Banerjee
Judicial Member
West Bengal Real Estate
Appellate Tribunal

Shri Subrat Mukherjee
Technical/Administrative Member
West Bengal Real Estate
Appellate Tribunal