

2025 LiveLaw (SC) 1107

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

B.V. NAGARATHNA; J., AUGUSTINE GEORGE MASIH; J.

NOVEMBER 04, 2025

DIARY No(s). 41584/2025 IN SPECIAL LEAVE PETITION (C) No. 8229/2024

UNION OF INDIA & ORS. *versus* VIRENDRA AMRUTBHAI PATEL

Code of Civil Procedure, 1908; Order XLVII Rule 1 - Review Jurisdiction - Whether a subsequent reversal/modification of a legal position by another judgment can constitute a ground for review – Held, no liberty to seek review on the basis of a later judgment - Supreme Court declined to follow the observation made in *Union of India v. Ganpati Dealcom Pvt. Ltd.*, RP(C) No. 359/2023 in CA No. 5783/2022, which had granted liberty to aggrieved parties to seek review based on the Court's later decision - The three-judge Bench in *Ganpati Dealcom* failed to notice the earlier three-judge Bench decision in *KL Rathi Steels* (decided on 17.05.2024), held that, *KL Rathi Steels*—a prior co-equal Bench decision—must prevail - Liberty to seek review cannot be granted merely because another judgment has changed the law later - **Petition dismissed. [Paras 2-4]**

[Arising out of impugned final judgment and order dated 05-04-2024 in SLP(C) No. 8229/2024 passed by the Supreme Court of India]

ORDER

Delay condoned.

2. We express our inability to agree with the observations made by the three-Judge Bench of this Court in *Union of India vs. M/s Ganpati Dealcom Pvt. Ltd.* [RP(C) No.359 of 2023 in CA No.5783 of 2022] disposed of in paragraph 7 thereof which reads as under:

“Where any other proceedings have been disposed of by relying on the judgment of this Court in *Ganpati Dealcom Private Ltd* (supra), liberty is granted to the aggrieved party to seek a review in view of the present judgment.”

3. This is in view of an earlier judgment of another three-Judge Bench of this Court in *Government of NCT of Delhi vs. KL Rathi Steels Limited reported in (2024) 7 SCC 315* disposed of on 17.05.2024. This decision arose on a difference of opinion between a Bench of two Judges in the said case the three-Judge Bench agreed with the view of the companion Judge (Nagarathna, J.) of the two Judge Bench and recorded its inability to be at ad idem with the Hon'ble Presiding Judge. This was on the basis of the Explanation to Rule 1 of Order XLVII of Code of Civil Procedure, 1908 (for short, “Code”). For ease of reference, the said Provision is extracted as under:

“1. Application for review of judgment.- (1) Any person considering himself aggrieved-

(a) by a decree or Order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or Order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or Order made, or on account of some mistake or error apparent on the face of the record of for any other sufficient reason, desires to obtain a review of the decree passed or Order made against him, may apply for a review of judgment to the Court which passed the decree or made the Order.

(2) A party who is not appealing from a decree on Order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

Explanation.- The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.”

4. In in RP(C) No.359 of 2023 in CA No.5783 of 2022 (*supra*), a three-Judge Bench of this Court has failed to notice the judgment of this Court in *KL Rathi Steels Limited (supra)* which is also of a co-equal strength and prior in time. Therefore, following the judgment of this Court in *KL Rathi Steels Limited (supra)*, we decline to grant liberty to seek review in the present case. Hence, the review petition is dismissed.

5. The Review Petition is, accordingly, dismissed.

6. Pending application(s), if any, shall stand disposed of.

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