



IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET NO.172 of 2024
CNR NO.ODHC010377812024

NTPC Ltd., Darliparlli ... ***Petitioner***

Mr. A.N.Das, Sr. Advocate along with
Mr. N. Sarkar, Advocate

-versus-

Parameswar Patel & others ... ***Opposite Parties***

Mr. S. Mohanty, AGA

RVWPET NO.173 of 2024
CNR NO.ODHC010377892024

NTPC Ltd., Darliparlli ... ***Petitioner***

Mr. A.N.Das, Sr. Advocate along with
Mr. N. Sarkar, Advocate

-versus-

Kunjabana Patel & others ... ***Opposite Parties***

Mr. S. Mohanty, AGA

CORAM:

HON'BLE DR. JUSTICE S.K. PANIGRAHI

HON'BLE MR. JUSTICE G. SATAPATHY

DATE OF HEARING :09.07.2026

DATE OF ORDER :13.08.2026

Order No.

04.

1. These matters are taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. These are two review petitions under section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (in short, the "CPC") by the petitioner NTPC Ltd., Darliparlli praying to review the common judgment dated 12.04.2024 passed by a Division



Bench of this Court, of which one of us, Justice G. Satapathy was a member in W.P.(C) Nos.2345 & 2347 of 2016 on the ground of error apparent on the face of record.

3. By the aforesaid judgment, the Division Bench has allowed both the Writ petitions by observing *inter alia* the following in paragraph-18 of the judgment: -

"The fact of the case of the petitioner in W.P.(C) No.2347 of 2016 is totally identical. Therefore, by applying the settled position of law, as discussed above, to the facts and circumstances of both the cases, this Court unhesitatingly holds that the order dated 04.08.2015 passed in IA Misc. Case No.09 of 2015 and order dated 04.08.2015 passed in LA Misc. Case No.07 of 2015, in rejecting the claim for extension of benefits under R&R Policy, 2006, which are impugned in W.P.(C) No.2345 of 2016 respectively, are liable to be quashed and are hereby quashed. Accordingly, direction is given to the opposite parties No.1 & 2 (Land Acquisition Collector & Land Acquisition Officer, Sundargarh) to issue necessary instruction to opposite party no.3-(General Manager, NTPC, Dorlipali) to extend benefits under the R&R Policy, 2006 by giving employment to one of the family members of both the petitioners as expeditiously as possible, preferably within a period of three months from the date of commutation of this judgment."

4. Heard, Mr. Aditya Narayan Das, learned Sr. counsel who is being assisted by Mr. Nilamadhab Sarkar, learned counsel for the petitioners in both the Review Petitions and Mr. S. Mohanty, learned Addl.



Govt. Advocate in these two matters and perused the record.

5. Admittedly, these two review petitions have been filed with delay of 03days, but this Court before issuing notice on limitation to Ops considers it proper to examine the maintainability of the Review petitions at the threshold inasmuch the Review Jurisdiction is very limited. In addressing such core issues of amenability of judgment passed by the Division Bench of this Court for review, there appears no quarrel about the undisputed position of law that a review petition can be admitted in exercise of power U/S.114 read with Order XLVII Rule 1 of the CPC provided the party applying for review of the order/judgment must satisfy the Court any of the three grounds such as: -

"(i) Discovery of new and important matter of evidence which after exercise of due diligence was not within the knowledge of the party applying for review or could not be produced by him at the time, when the decree was passed or order made,

(ii) Mistake or error apparent on the face of the record,

(iii) Any other sufficient reasons."

6. It is also not in dispute that review proceeding are not by way of an appeal and it must be strictly within the scope and ambit of the provision as prescribed under Order XLVII Rule 1 of the CPC. Although the review petition can be entertained only



on the three grounds enumerated as above, but the review petitioner herein canvasses the only ground of "error apparent on the face of record". It is to be emphasized that an error apparent on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the point. Addressing the core issues, it is not in dispute that the aforesaid judgment was passed by the Division Bench of this Court in presence of the learned counsel for the parties and Mr. Aditya Narayan Das, learned counsel appearing for the review petitioners was also appearing in the writ Petitions for the review petitioner, but he did not raise any objection to the point which right now the review petitioner is taking in these review petitions. It is relevant to quote the contention of the learned Sr. counsel Mr. Aditya Narayan Das that the judgment passed in the writ Petitions proceeds on a factual error apparent on the face of record and according to him, the judgment in paragraph Nos.7, 13 and 17 records that the writ petitioner applied for conversion of the land in the year 2009, whereas the record establishes no such application; and the writ petitioner in its own Annexure-3 r/w the order dated 04.08.2015 of the Land Acquisition Officer establishes that the conversion application was made only in the year



2012, but it could not be understood as to how these facts constitute factual error as pointed out in the review petitions and if accepting the same to be a factual error, it were in fact within the knowledge of the review petitioners at the time of passing of the judgment, but how Mr. Das, who was appearing in the writ petitions for the review petitioners has not pointed out the same at the time of dictating the judgment in open Court and thereby, it cannot be held that this fact is a factual error apparent on the face of record. Further, if this fact is a factual error which has not been addressed to by the Division Bench of this Court, the review petitioner could have challenged such factual error in Appellate Jurisdiction in the next higher forum.

7. The second contention as raised for the review petitioners is the word “ordinarily resident” of Darlipalli used in the judgment. It is accordingly claimed that the writ petitioners were never been “ordinarily resident” of Darlipalli, but the Division Bench of this Court in paragraph 12 of the judgment has amply addressed such contention of the review petitioners and thereby, it can neither be a ground for review of the judgment nor can it be considered as an error apparent on the face of the record.

8. The last and crucial contention of the review petitioners is to holding of the writ petitioners coming



under the category “displaced family” in the judgment, which according to the review petitioners is an error apparent on the face of the record, but the Division Bench in the judgment after making a survey of the position of law and applying the same to the facts of the case has come to a finding on such issue in paragraph-13, which reads as under:-

***"13.** As such, none of the opposite parties disputed that the petitioner had purchased the land on 06.10.2007, applied for conversion of land in the year 2009 and residing over the said land by constructing a house, which comes within the meaning of "ordinarily residing". As such, in view of the acquisition of land and house of the petitioner and payment of compensation, which he has acknowledged, it cannot be construed that he is not a displaced family within the meaning of Rule2(d) of the Orissa Resettlement and Rehabilitation Policy, 2006."*

9. Besides, what is not only surprising, but also astonishing that the petitioners albeit takes the plea of error apparent on the face of record for review of the judgment passed by the Division Bench, but in the course of argument, it was advanced that the writ petitions were not maintainable. It, therefore, clearly understood that the review petitioners want to invoke the Appellate Jurisdiction in the garb of review petitions, which is not permissible. Had the writ petitions been not maintainable, the review petitioner would have addressed such contention before the



Division Bench at the time of passing the judgment, but the same has not been done. A careful conspectus of the record and discussion made hereinabove together with the provision of law for review of the order/judgment, this Court is of the considered view that there is no error apparent on the face of record and the review petitions cannot be permitted to use subterfuge to contend that the writ petitions were not maintainable at this stage. Hence, there is no ground for review of the judgment and thereby, the review petitions are not entertainable. Since both the review petitions were found to be not maintainable, there is no necessity to issue notice to the opposite parties on the question of limitation inasmuch as the review petitions have been filed with delay of three days.

10. Resultantly, both the review petitions being devoid of merit stand dismissed on contest, but in the circumstance, no order as to costs.

(Dr. S.K. Panigrahi)
Judge

(G. Satapathy)
Judge