

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No. 1179(4)2015

M/s Prakash Brass Ware Industries

Appellant

Vs.

APFC, Delhi (N)

Respondent

ORDER DATED:-17.03.2021

Present:- Ms. Akansha Narang, Ld. Counsel for the Appellant.
Shri S.N. Mahanta, Ld. Counsel for the Respondent.

This order deals with an application filed by the appellant on 22.03.2017 praying review of the order dated 14.03.2017 passed by this tribunal on the grounds stated in the petition. Copy of the petition was served on the respondent who appeared through its counsel and participated in the hearing of the petition held on 16.01.2020.

Bereft of unnecessary details the facts leading to filing of the present petition in short is that the APFC Delhi had passed an order on 29.07.2015 u/s 14B of the Act against the appellant/establishment in which penal damage Rs. 450226/- was imposed on the appellant/establishment. Being aggrieved the appellant had preferred the above referred appeal before this tribunal in which notice was issued to the respondent and the matter was heard on merit. The tribunal by order dated 14.03.2017 found the appeal without merit and thereby dismissed the same. The tribunal by its order observed that no illegality is found in the order of the respondent and thus, the same cannot be interfered with. Against that order dated 14.03.2017 the review petition has been filed in which several grounds have been taken including non-consideration of the submissions and the case law cited by the appellant.

During course of argument the Ld. Counsel appearing for the appellant submitted that this Tribunal is vested with the power of rectifying any mistake apparent on the record if the same is pointed out within 5 years from the date of the order. The omission on the part of the Tribunal in considering the decided principles of law and the submissions of the appellant amounts to mistake apparent on the record and the Tribunal is empowered to correct the same.

The Ld. Counsel appearing for the respondent while pointing out the contentions of the appellant raised in the review petition submitted that the appellant in the petition has not applied for review but for reconsideration of the appeal on merit which has already been disposed of.

The provision of law laid u/s 7L(2) with its limited scope empowers this Tribunal to rectify any mistake apparent on the record and amend the order to that extent. But the objection of the appellant with regard to non consideration of the case law and non appreciation of the matter in proper perspective if entertained that would amount to reconsidering its own order by this tribunal as if a court of appeal. The law never vests that power to this tribunal under the provisions of 7L(2). The petition for review is maintainable only for correction of clerical or arithmetical omissions and errors apparent on the face of the record. Hence, it is held the petition for review filed by the appellant is devoid of merit and the same is rejected. Consign the record as per law.

Sd/-

Presiding Officer