



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

% *Judgment reserved on: 03.07.2026*
Judgment pronounced on: 16.07.2026

+ **REVIEW PET. 277/2026 in W.P.(C) 14626/2024**

LT COL BHARAT SINGH,
SENA MEDAL

.....Petitioner

Through: Petitioner in person.

Versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Amit Tiwari, CGSC
with Ms. Vidhi Gupta,
Ms. Ayushi Srivastava,
Mr. Arpan Narwal, Mr.
Kushagra Malik, Mr.
Ujjwal Tyagi, along with
Maj. Anish Murlidhar.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

AMIT MAHAJAN, J.

REVIEW PET. 277/2026

1. The present Review Petition has been preferred under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (hereinafter "**CPC**") seeking review of the judgment dated 16.05.2026 passed by this Court in W.P.(C) 14626/2024, whereby the writ petition preferred by the Petitioner/Lt. Col. Bharat Singh



challenging the validity his Confidential Reports for the years 2010 and 2011, was dismissed.

2. *Vide* the above judgment under review, this Court, while keeping in mind the limited scope of judicial review under Article 226 and 227 of the Constitution of India, upheld the Judgment dated 26.07.2024 passed by the learned Armed Forces Tribunal while observing that when the Tribunal, consisting of a panel of domain experts, has adopted a plausible view after considering the rival contentions and the material on record, this Court, in exercise of its supervisory jurisdiction, cannot re-appreciate the evidence or substitute its own conclusions merely because another view is possible. The core observations and reasoning can be summarized as under: -

- a) This Court rejected the preliminary objection of maintainability and decided the same in favour of the Petitioner.
- b) On merits, with respect to the validity of the CRs for the years 2010 this Court accepted the learned Tribunal's reasoning that the Petitioner himself had filled the details and authenticated the CR forms; he himself certified his appointments and signed the service records; allegations of forgery/false signatures were not established; though he had filed Non-statutory Complaints even before his non-empanelment he had never challenged the CRs of 2010 and has raised the objections only after his non-empanelment to the Rank of Colonel.



c) With respect to the CR for the year 2011, this Court concurred with the observations of the learned Tribunal that the 90-day physical service requirement stood satisfied; and even if the report became a "*one-man report*", that by itself did not invalidate the CR.

d) As regards the prayer of consequential relief of promotion, this Court discussed the settled principle that comparative merit and CR assessment lie within the domain of expert military authorities, and opined that since the Petitioner had already been considered multiple times and was not selected and no *mala fides* or arbitrariness were shown, judicial interference was unwarranted.

e) Thus, emphasising that Article 226 is supervisory and not appellate jurisdiction and the Tribunal had taken a plausible view based on the record, this Court found no grounds to interfere with the judgment passed by the learned Tribunal.

3. Now, the Review Petitioner, appearing in person, has urged that the judgment under review warrants reconsideration on the ground that this Court has erred in holding the CRs for the year 2010 valid when the same was violative of Para 16(c) of Army Order 45/2001/MS as the appointments reflected in the relevant records (namely the appointment against which the Petitioner was posted; the appointment for which the CRs were initiated and the appointment reflected in IAFF-3008) did not correspond with each other.

4. It is further submitted that this Court has erred in holding that the Petitioner did not challenge the appointment reflected in the



Paramount Card. The same reflected the Petitioner as "Coy 2IC" during the relevant tenure and the observation that the petitioner had accepted the appointment reflected therein is factually incorrect.

5. It is further submitted that this Court has erred in relying upon the signatures of the Petitioner to hold that the Petitioner himself had accepted the appointments in the above-mentioned CRs and the corresponding documents, while ignoring that on those dates on which the signatures have been obtained, the Petitioner was either on sanctioned leave or attending an official course.

6. It is further urged that this Court has erred in not considering that the Petitioner was well within his rights to challenge the technical validity of the CRs even after promulgation of the Selection Board Results.

7. It is further submitted that no specific findings with respect to the Petitioner's submission regarding violation of Para 12 of the "Important Instructions" contained in the prescribed CR Form of year 2011 with respect to the SRO endorsement to avoid a one-man report, have been given.

8. The learned Central Government Standing Counsel appearing on behalf of the Respondent vehemently opposes the present petition and submits that *no error apparent on the face of record* has been demonstrated. This Court, *vide* the detailed judgement under review has considered the material on record and passed a reasoned judgment, and the present review petition is liable to be dismissed as the same seeks re-appreciation of facts and reconsideration of the



same issues already examined which is impermissible under review jurisdiction.

9. We have considered the submissions advanced.

10. At the outset, it is well settled that the power of review is an extremely limited jurisdiction. A review proceeding cannot be equated with an appeal in disguise. The jurisdiction under Section 114 read with Order XLVII Rule 1 CPC is confined to correction of “*an error apparent on the face of the record*” or other grounds specifically recognised therein. Reference may be made to the judgment passed by the Hon’ble Apex Court, in **Meera Bhanja v. Nirmala Kumari Choudhury : (1995) 1 SCC 170**, wherein it was held as under: -

“ 8. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. In connection with the limitation of the powers of the court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleswar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389 : AIR 1979 SC 1047] , speaking through Chinnappa Reddy, J., has made the following pertinent observations: (SCC p. 390, para 3)

“It is true as observed by this Court in Shivdeo Singh v. State of Punjab [AIR 1963 SC 1909] , there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the



province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court.”

9. Now it is also to be kept in view that in the impugned judgment, the Division Bench of the High Court has clearly observed that they were entertaining the review petition only on the ground of error apparent on the face of the record and not on any other ground. So far as that aspect is concerned, it has to be kept in view 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 points where there may conceivably be two opinions. We may usefully refer to the observations of this Court in the case of Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale [AIR 1960 SC 137 : (1960) 1 SCR 890] wherein, K.C. Das Gupta, J., speaking for the Court has made the following observations in connection with an error apparent on the face of the record:

“An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ. ”

(Emphasis supplied)

11. The Hon'ble Apex Court in **Parsion Devi v. Sumitri Devi :1997 (8) SCC 715** while elaborating the scope of review under Order XLVII Rule 1, held as under:

“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".

(Emphasis supplied)

12. Similar observations were made in ***Lily Thomas v. Union of India, (2000) 6 SCC 224***, wherein the Hon'ble Supreme Court, while delineating the scope of power of review, observed as under: -

"56. Such powers can be exercised within the limits of the statute dealing with the exercise of power. **The review cannot be treated like an appeal in disguise. The mere possibility of two views on the subject is not a ground for review.** Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practised."

(Emphasis supplied)

13. Thus, it is no more *res-integra* that this Court cannot rehear the matter or undertake a fresh appreciation of the pleadings, evidence or submissions merely because another view is possible. Mere repetition of arguments already advanced or an attempt to persuade the Court to take a different view on the same material cannot constitute a ground for review.

14. Examined in the aforesaid light, we find that the grounds disclosed in the review petition does not disclose *any error apparent on the face of the record* warranting exercise of review jurisdiction. The contentions sought to be urged by the Review Petitioner regarding the technical validity of the Confidential Reports, applicability and interpretation of the relevant provisions of Army Order 45/2001/MS, the Paramount Card, the documentary material relied upon by him, the alleged invalidity of the Confidential Reports on account of procedural irregularities, and the effect thereof on his promotion, are



arguments on merits and all arise out of the very same controversy which formed the subject matter of adjudication in the writ petition.

15. All the contentions have already been addressed in the judgment under review. The Petitioner contends that this Court did not specifically deal with Para 16(c) of Army Order 45/2001/MS, however, the challenge to the validity of the CRs of 2010 on the basis of the Petitioner's appointment, the entries made in the CRs, the Paramount Card and the contemporaneous service records was considered by this Court in **paragraphs 35 to 41** of the judgment under review. This Court had accepted the findings returned by the learned Tribunal that the Petitioner had himself authenticated the relevant records and had failed to establish any illegality warranting interference. Merely because the Petitioner desires a separate or more elaborate discussion on Para 16(c) does not constitute *an error apparent on the face of the record*.

16. Similarly, the contention regarding the Paramount Card also stands considered in **paragraphs 37 and 38** of the judgment under review, wherein this Court examined the Petitioner's own authentication of the relevant service records, including the Paramount Card, while affirming the findings returned by the learned Tribunal. The contention regarding his alleged absence from the Unit on the dates of the signatures and the evidentiary value of the documents relied upon by the Respondents also stood considered in **paragraph 39 and 40** of the judgment under review. This Court, after considering the material on record, found no reason to disbelieve the contemporaneous official records and observed that the CRs cannot be



held technically invalid when there is no cogent evidence establishing forgery of signatures. The present submission again merely seeks re-appreciation of evidence, which is impermissible in review proceedings.

17. The submission that the Petitioner was entitled to challenge the Confidential Reports after declaration of the Selection Board results also does not merit acceptance. The reasoning adopted by this Court while considering the Petitioner's conduct, including the fact that no contemporaneous objection had been raised despite authentication of the relevant records, is reflected in **paragraph 41** of the judgment under review. Though a challenge to the validity of the Confidential Reports may be raised at a subsequent stage, this Court did not find any infirmity in the view adopted by the learned Tribunal that the Petitioner had, at the time of holding the relevant appointments and authenticating the contemporaneous records though availed the authority and benefits/authority attached thereto, but never questioned the validity of the Confidential Reports and sought to challenge them only after he was not empanelled for promotion to the rank of Colonel. Additionally, it is with respect to the relief of promotion that this Court opined that comparative merit/assessment/empanelment lie within the domain of expert military authorities, and since the Petitioner had already been considered multiple times and rejected, judicial interference was unwarranted.

18. Even the contention regarding SRO endorsement has been addressed in **paragraph 44** of the judgment. This Court proceeded on the broader premise that the findings returned by the learned Armed



Forces Tribunal on the validity of the Confidential Reports constituted a plausible view.

19. It emerges that the contentions essentially invite this Court to re-examine the merits and findings returned in the judgment under review by undertaking a fresh consideration of the statutory provisions, the documents placed on record and the rival contentions on merits. Such an exercise falls squarely within the domain of *appellate jurisdiction* and is wholly impermissible in review proceedings.

20. Any dissatisfaction with the reasoning adopted by the Court or the extent of discussion on a particular aspect cannot be a ground for review. Merely because the Review Petitioner seeks a different interpretation of the applicable Army Orders or contends that certain submissions deserved more elaborate consideration cannot be termed as an *error apparent* or a *self-evident error* or a ground for review.

21. Thus, in the absence of any *error apparent on the face of the record* or any other ground falling within the parameters of Order XLVII Rule 1 CPC, we find no merit in the present Review Petition.

22. Accordingly, the Review Petition is dismissed. Pending application(s), if any, also stand disposed of.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

JULY 16, 2026

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