



DEBTS RECOVERY TRIBUNAL No.1, MUMBAI

ORDER

In

REVIEW APPLICATION NO.2 OF 2024

In

TRANSFER ORIGINAL APPLICATION NO. 679 OF 2023

(Delivered on 21.05.2026)

M/S. MERCURY APPAREL LTD.

... Applicant

Versus

UNION BANK OF INDIA

... Respondent

Applicant appeared in person.

Advocate Bhavesh Poojary i/b MDP Legal for the Respondent.

ORDER

1. This is a petition filed by the petitioner for review of the order passed by the Tribunal in TA 159 of 679 on 07.05.2024. The petition is resisted by the Respondent/bank.

2. The applicant contends that the Tribunal had while passing the order omitted to consider the written objection filed by him on 05.02.2024, the statutory objection under Section 13(3A), holding them as belated, had omitted to examine the binding RBI master circulars governing the rate of interest and there is internal inconsistency between connected proceedings, which according to review application is resulting in self contradictory findings. All these constitute errors apparent on the face of record and so the order

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dated 07.05.2024 in TA 649 of 2023 is to be reviewed.

3. The respondent/bank contends that the applicant under the guise of review is seeking for correcting and changing the order passed by Tribunal on 07.05.2024. Applicant's attempt to reappraise the interest calculations by seeking to examine the sanction letters, and reopen factual disputes cannot be entertained by way of review. The present attempt of the applicant is only to delay the execution of the Recovery certificate in this case and so the petition is only to be dismissed.

4. Heard both sides.

5. There need not be much deliberation or discussion on the point that, review can be invoked only in case of errors apparent on the face of record. The review jurisdiction under Section 22(2)(e) of RDB Act is extremely limited. Only those errors which are obvious, visible without detailed reasoning and which are self-evident, can be entertained or corrected under review.

6. In the present application, the grounds urged by applicant herein, center around points such as, absence of stating reasons for discarding his contentions in the written objections dated 05.02.2024, for discarding the statutory objections under Section 13(3A) holding them to be belated, and as stated above, on findings by Tribunal which according to applicant herein, are self contradictory. All these according to the applicant, constitute errors apparent on the face of record, and so the order dated 07.05.2024 in



TA 679 of 2023 is to be reviewed.

7. The order passed by the Tribunal on 07.05.2024 in TA 679/23, in page 05 para 13 starts with the discussion on rate of interest and holds a finding on that point. According to the applicant, the roznama in TSA 159/16 records that, the issue of rate of interest shall be decided in TA 679/23. This according to the applicant results in self contradictory findings which is an error apparent on the face of record.

8. The question regarding rate of interest, is seen discussed in the aforesaid para of the order, now sought to be reviewed. If the applicant is not in agreement with observations there, the remedy for him lies in appeal. He cannot ask for a rehearing or reappraisal of the matter by way of review.

9. Further as according to the applicant, if the aforesaid order had not considered master circulars by RBI and statutory provisions, then also, the said alleged omission cannot be considered in review. This is more so, as the para 13 of the order has discussed the said issue. If as alleged, it was done without considering the circular, then also it cannot be corrected by review, as it will amount to a reappraisal of evidence.

10. Another point raised by the applicant is that, the written submissions were not considered by the Tribunal and so the said order is to be reviewed. Perusal of the order dated 07.05.2024 shows that the Tribunal had passed the order, after considering the rival



contentions. Further, if there is an observation by the Tribunal that the objections under Section 13(3A) are belated, then there is no duty cast on the Tribunal to consider the said aspects, which had already held as belated. The Tribunal is expected to consider only those points which are presented within the statutory time frame as directed, unless further time is granted for the presentation.

11. So despite the repeated contentions of the applicant that these omissions are errors apparent on the face of record, the said points which are now alleged as omissions, do not appear to be so. It is also seen that, the applicant has raised grounds in this review petition, alleging non consideration of, alleged tampering of documents, concealment of debit balance confirmation, misclassification under Union Trade, and overcharging of interest. These defects now alleged are seen to be new grounds to introduce disputed facts, and are seen raised, attempting to challenge the finding of the Tribunal on 07.05.2024, based on finding of merits. The aforesaid facts are already seen adjudicated in the order dated 07.05.2024.

12. In the order dated 07.05.2024, now sought to be reviewed the Tribunal had already considered the issue of rate of interest, examined the sanction letters, evaluated the rival contentions, holding that the, applicant had voluntarily accepted the terms of interest, and had discarded the contentions of alleged tampering of documents.

13. It is seen that the Writ petition filed by applicant before



Hon'ble High Court on identical grounds was not entertained and keeping the said contentions open, the matter was sent over to this Tribunal for expeditious disposal.

14. An error on the face of record must be, such as error which by mere looking at the record, must strike and it should not require any long drawn process of reasoning on the points, where there may be possibility of two opinions. The normal principle is that, a judgment pronounced by court is final, and departure from that principle, is justified only when, circumstances of a substantial and compelling character make it necessary to do so. This is the spirit of the dictum laid down in Sajjan Singh Vs State of Rajasthan 1964 SSC Online SC 25.

15. The judgment relied on by the applicant stems from different facts, which are not in any way identical to the facts of the present case. The judgment of Hon'ble Supreme Court in Civil Appeal 2905 of 2022 is based on a different set of facts. There the Hon'ble Supreme Court has held that, the order passed by Hon'ble High Court was without deciding on the merits and without expressing anything on the legality and validity of the order of Tribunal, which was considered by Hon'ble High Court.

16. The said point is not the aspect in the present case. Here the Tribunal in TA 679 of 2023 has passed an order after considering the rival contentions and all the contentions which are now urged by the applicant. Only because the discussion did not turn out to be, to the interest of applicant herein, cannot render the said order passed



ineffective to warrant of review. Whether the said discussion and finding are right or wrong is a matter to be decided in appeal and not by this Tribunal by way of review.

17. In the order dated 07.05.2024 in TA 679 of 2023 not a single patent or obvious error is pointed out by the applicant, which can stand without detailed reasoning. Reappreciation of evidence, recalculation of interest, reopening of factual disputes which are already decided, are now sought to be reviewed by this petition by the applicant, in the review petition.

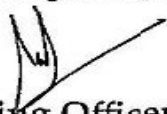
18. The application now filed against order dated 07.05.2024, which is seen to be a considered one, considering the rival contentions, where no patent error of omission as stated above, is substantiated by applicant, does not fall within the ambit for review. The contentions of the respondent that, the applicant is merely trying to delay the execution of the recovery certificate cannot be brushed aside as meaningless.

19. So the present petition RA 2 of 2024 alongwith the pending I.A. no.618 of 2026 is dismissed.

20. Parties to suffer costs.

(Dictated to my Stenographer, transcribed by her corrected and signed by me and pronounced in open forum on 21.05.2026)

Date: 21.05.2026


Presiding Officer
Debts Recovery Tribunal,
Mumbai-I
(Sreekala Suresh)