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RETHINKING FINALITY: THE SUPREME COURT OF INDIA'S REVIEW JURISDICTION IN PRACTICE, JANUARY 2024 – DECEMBER 2025

A Doctrinal Study of Ten Review Petitions Decided by the Supreme Court of India

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Abstract

Article 137 of the Constitution of India, read with Order XLVII Rule 1 of the Supreme Court Rules, 2013 and Order XLVII Rule 1 of the Code of Civil Procedure, 1908, confers upon the Supreme Court a power of review that sits in tension with the equally fundamental principle of finality of judgments. This paper examines that tension empirically through a dataset of ten review petitions decided by the Supreme Court between January 2024 and December 2025, spanning service law, environmental regulation, child custody, medical education, contract and property law, taxation, constitutional adjudication, land law, succession, and armed forces service conditions. Of the ten petitions studied, eight resulted in the recall or modification of the original judgment, one was rejected, and one produced an internally inconsistent record in which a subsequent order appears to have granted a review that an earlier order had refused. The paper argues that while the formal test for review, an error apparent on the face of the record, remains narrow in articulation, the cases studied reveal a functionally broader practice in which misapplication of binding precedent, post-decisional facts, and jurisdictional overreach are all treated as sufficient to reopen a final judgment. The paper concludes with observations on what this practice suggests about the doctrine of finality in Indian constitutional adjudication.

Keywords

Review jurisdiction; Article 137; Order XLVII Rule 1 CPC; error apparent on the face of the record; finality of judgments; Supreme Court of India; curative jurisdiction.

1. Introduction

The finality of a judicial decision is ordinarily treated as a cornerstone of the rule of law: litigation must end, and parties must be able to order their affairs on the basis of a concluded judgment. Yet the Constitution of India itself qualifies this principle. Article 137 empowers the Supreme Court, “subject to the provisions of any law made by Parliament or any rules made under Article 145,” to review any judgment or order pronounced by it. The procedural contours of this power are supplied by Order XLVII Rule 1 of the Supreme Court Rules, 2013, which imports the substantive grounds recognised under Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (“CPC”): (i) discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the applicant's knowledge or could not be produced at the time the decree or order was passed; (ii) a mistake or error apparent on the face of the record; or (iii) any other sufficient reason.

The jurisprudence on what constitutes an “error apparent on the face of the record” has traditionally been construed narrowly. A review is not an appeal in disguise, and a mere possibility of another view being taken on the same material does not justify reopening a judgment. At the same time, the Supreme Court has, in a body of cases decided between January 2024 and December 2025, revisited and in most instances recalled or modified its own final pronouncements across a wide range of subject matter. This paper takes ten such review petitions, compiled from Supreme Court decisions of this period, as a dataset for an inductive study of how the review jurisdiction actually operates in practice, as distinct from how it is described in doctrine.

Part 2 sets out the methodology and the dataset. Part 3 analyses the cases thematically, grouping them by area of law. Part 4 draws out the recurring grounds on which review was sought and granted. Part 5 discusses the outcomes, including one case that produced two apparently inconsistent orders on the same review application. Part 6 offers concluding observations on what the dataset suggests about the practical scope of the review jurisdiction.

2. Methodology and Dataset

The dataset comprises ten review petitions decided by the Supreme Court of India between 1st January 2024 and 31st December 2025, compiled with reference to the case name, citation, the facts giving rise to the original judgment, the final judgment under review, the grounds urged in the review petition, and the outcome of the review. The cases span the following areas of law: service and labour law, environmental regulation, family law and child custody, medical

education, contract and property law, indirect taxation and customs, constitutional law, land and revenue law, testamentary and succession law, and armed forces service conditions. The dataset is necessarily a curated sample rather than an exhaustive survey of all review petitions decided in the period, and the observations that follow should be read as an analysis of these ten decisions rather than as a claim about the Supreme Court's review docket as a whole.

3. Thematic Analysis of the Cases

3.1 Service and Labour Law

In *Konkan Railway Corporation Ltd. & Ors. v. S.D. Manohara*,¹ the employer sought review of a judgment directing the reinstatement of an employee whose resignation had been the subject of a factual dispute over whether an internal communication accepting the resignation had in fact been served on him. The employer's principal grounds were that the letter of 15 April 2014 had in fact been communicated to the employee on 16 April 2014, contrary to the Court's finding that it was a purely internal communication, and that the employee had not, in fact, reported for duty on 19 May 2014 as recorded in the judgment. The Supreme Court rejected the review petition, holding that the impugned findings had no bearing on the substance of the original judgment, that the resignation could not be treated as effective before the employee's withdrawal of it on 26 May 2014, and that the employee's twenty-three years of unblemished service weighed against disturbing the earlier order.

The Konkan Railway review petition is significant as the sole outright rejection in the dataset. It illustrates the orthodox operation of the error-apparent standard: even where the employer identified specific factual inaccuracies in the judgment, the Court treated those inaccuracies as immaterial to the outcome rather than as errors going to the root of the decision, distinguishing between an error that is apparent and material and one that is, at most, a peripheral inaccuracy in narration.

3.2 Environmental Regulation

Confederation of Real Estate Developers of India (CREDAI) v. Vanashakti and Another,² concerned the Court's earlier judgment striking down the Ministry of Environment, Forest and Climate Change's 2017 notification and the 2021 Office Memorandum permitting ex post facto

¹ *Konkan Railway Corporation Ltd. & Ors. v. S.D. Manohara* (Review Petition (C) No. 2193/2024 in Civil Appeal No. 10567 of 2024, decided 25 November 2025).

² *Confederation of Real Estate Developers of India (CREDAI) v. Vanashakti and Another* (Review Petition (C) Diary No. 41929 of 2025 in Writ Petition (C) No. 1394 of 2023, decided 18 November 2025).

environmental clearance for projects that had commenced construction without prior clearance. The original judgment, relying on *Common Cause v. Union of India*,³ had held that the concept of a retrospective environmental clearance is alien to environmental jurisprudence and directed that non-compliant projects be demolished. The review petitioners argued, first, that demolition of already-constructed projects would itself generate pollution and was practically self-defeating, and second, that the *Common Cause*,⁴ judgment had been misread, since it had itself permitted lease-holders without environmental clearance to seek regularisation upon payment of compensation and penalties.

This case is notable for the ambiguity in the compiled record: the material available indicates that a subsequent order accepted the review notwithstanding an earlier order dismissing it, without a clear reconciliation of the two outcomes. Rather than treating this as a straightforward addition to the "allowed" column, this paper records it separately as a case of doubtful or unresolved outcome, discussed further in Part 5.

3.3 Family Law and Child Custody

Neethu B. @ Neethu Baby Mathew v. Rajesh Kumar,⁵ is the clearest illustration in the dataset of review being granted on the "new and important matter" limb of Order XLVII Rule 1 CPC rather than on error apparent. The Kerala High Court had transferred permanent custody of a minor child from the mother to the father, a decision the Supreme Court had initially affirmed. On review, the mother relied on a Clinical Psychologist's Report dated 3 September 2024, prepared after the original judgment, documenting the child's acute separation anxiety following the change in custody. The Court held that this deterioration in the child's mental health was a post-decisional development that could not have been placed before it earlier, and that it constituted new evidence within the meaning of Article 137, warranting reconsideration notwithstanding the general reluctance to reopen custody findings by way of review. The review petitions were allowed, custody was restored to the mother, and the respondent was granted visitation rights, with the mother restrained from relocating the child outside India.

This decision underscores that in matters concerning the welfare of a minor, the Supreme Court has been willing to treat a change of circumstances occurring after the judgment as a ground for review, effectively allowing the best-interests-of-the-child standard to operate as a continuing consideration rather than one frozen at the date of the original decree.

³ *Common Cause v. Union of India*, (2017) 9 SCC 499.

⁴ *Common Cause v. Union of India*, (2017) 9 SCC 499.

⁵ *Neethu B. @ Neethu Baby Mathew v. Rajesh Kumar* (Review Petition (C) Nos. 2273-2274/2024 in Civil Appeal Nos. 5395-5396 of 2024, decided 15 July 2025).

3.4 Medical Education

Dr. Priyambada Sharma, Etc. Etc. v. Board of Governors in Supersession of Medical Council of India & Ors., Etc.,⁶ arose from postgraduate medical admissions granted after the close of counselling and outside the order of merit for the 2019-20 academic session. The Court's original judgment had held such admissions illegal notwithstanding that the students concerned had completed six months or more of training. On review, the Court distinguished between students who had, by the time of the review, completed their postgraduate studies and were working as senior residents, and Dr. Priyambada Sharma, who was still mid-course when the original judgment was rendered and had consequently been prevented from continuing. The review petitions were allowed to the extent that degrees already completed were held valid, and the Court further permitted Dr. Sharma, who had by then completed three years of study, to complete her course, modifying the original judgment dated 17 October 2022 accordingly. As with the custody matter, the intervening passage of time and its practical consequences, here, the fact that students had by the date of review already completed or nearly completed a professional qualification, operated as the decisive consideration, illustrating a broader pattern in the dataset of review being used to accommodate equities that crystallised only after the original judgment.

3.5 Contract and Property Law

M/s Siddamsetty Infra Projects Pvt. Ltd. v. Katta Sujatha Reddy & Ors.,⁷ concerned a suit for specific performance of an agreement to sell agricultural land. The Supreme Court's original judgment of August 2022 had held the suit time-barred and found the purchaser not ready and willing to perform, ordering refund of consideration with interest instead of specific performance. On review, the purchaser demonstrated that the Court had misread Clause 3 of the agreement, which imposed consequences on the vendors for their own failure to furnish statutory certificates, and had misconstrued Clause 21 by conflating a distinct 1994 agreement between the original owners and the vendors with the purchaser's own agreement. The Court also found that it had proceeded on the mistaken premise that the vendors had furnished the requisite certificates, contrary to an unchallenged finding of the trial court. Holding that these

⁶ *Dr. Priyambada Sharma, Etc. Etc. v. Board of Governors in Supersession of Medical Council of India & Ors., Etc.* (Review Petition (Civil) Nos. 1739-1746 of 2023 in Civil Appeal Nos. 7533-7534, 7535, 7536, 7537, 7538, 7539 and 7540 of 2022, decided 28 January 2025).

⁷ *M/s Siddamsetty Infra Projects Pvt. Ltd. v. Katta Sujatha Reddy & Ors.* (Review Petition (C) No. 1565 of 2022 in C.A. No. 5822 of 2022, with Review Petition (C) No. 1839 of 2024 in C.A. No. 5823 of 2022, decided 8 November 2024).

were errors apparent on the face of the record going to the core of its reasoning on limitation under Article 54 of the Limitation Act, 1963, and on readiness and willingness, the Court allowed the review, recalled its 2022 judgment, and restored the High Court's decree granting proportionate specific performance.

*Siddamsetty*⁸ is a paradigmatic instance of review granted on the classical ground: a demonstrable misreading of the contractual clauses and the record, rather than a request to re-argue the equities of the case.

3.6 Indirect Taxation and Customs

Commissioner of Customs v. M/s Canon India Pvt. Ltd.,⁹ is among the most consequential decisions in the dataset. The original judgment in *Canon India Pvt. Ltd. v. Commissioner of Customs* (9 March 2021) had held that officers of the Directorate of Revenue Intelligence ("DRI") were not "proper officers" within the meaning of Section 2(34) of the Customs Act, 1962, and therefore lacked jurisdiction to issue show-cause notices under Section 28 in respect of goods assessed by other officers. On review, the Customs Department contended that this holding had failed to account for Sections 3, 4 and 5 of the Customs Act and long-standing notifications appointing DRI officers as customs officers, had wrongly extended the ratio of *Sayed Ali* (a case confined to preventive officers), and had overlooked Section 28(11), inserted to retrospectively validate such notices. The Supreme Court allowed the review, holding that DRI officers are validly appointed proper officers, that there is no statutory requirement confining notice-issuing power to the original assessing officer, and that Section 28(11) and the consequent legislative amendments were valid, thereby recalling the 2021 judgment in its entirety.

The *Canon India*,¹⁰ review is notable for the scale of the disruption the original judgment had caused, described in the review petition as having necessitated legislative intervention through the Finance Act, 2022, and illustrates that review jurisdiction has, on occasion, been used not merely to correct a discrete factual or textual error but to reverse a statutory interpretation with nationwide administrative consequences.

⁸ *M/s Siddamsetty Infra Projects Pvt. Ltd. v. Katta Sujatha Reddy & Ors.* (Review Petition (C) No. 1565 of 2022 in C.A. No. 5822 of 2022, with Review Petition (C) No. 1839 of 2024 in C.A. No. 5823 of 2022, decided 8 November 2024).

⁹ *Commissioner of Customs v. M/s Canon India Pvt. Ltd.* (Review Petition No. 400 of 2021 in Civil Appeal No. 1827 of 2018, decided 7 November 2024).

¹⁰ *Commissioner of Customs v. M/s Canon India Pvt. Ltd.* (Review Petition No. 400 of 2021 in Civil Appeal No. 1827 of 2018, decided 7 November 2024).

3.7 Constitutional Law

Union of India & Anr. v. M/s Ganpati Dealcom Pvt. Ltd.,¹¹ concerned the Court's earlier judgment of 23 August 2022, which, while answering a question on the retrospective applicability of the Prohibition of Benami Property Transactions Act, 1988, as amended in 2016, had additionally declared unamended Sections 3(2) and 5 of the Act unconstitutional as manifestly arbitrary and violative of Article 20(1) of the Constitution. The review petitioner pointed out that the constitutional validity of these provisions had never actually been in issue or contested between the parties. The Supreme Court accepted this, holding that a challenge to the constitutional validity of a statute cannot be adjudicated in the absence of an actual lis between contesting parties, and recalled its earlier judgment in its entirety, restoring the appeal for fresh adjudication before a new bench and granting liberty to other parties affected by the earlier ruling to seek review of decisions that had relied upon it.

This decision reflects a distinct category of review, one grounded not in a factual misreading of the record but in the more fundamental proposition that a court cannot pronounce upon a constitutional question that neither party raised or argued. Its ripple effect, in granting liberty to third parties who had relied on the recalled judgment to also seek review, is unusual in the dataset and points to the systemic consequences that can follow from allowing a review in a case of wide precedential reach.

3.8 Land and Revenue Law

Karnail Singh v. State of Haryana & Ors. (Review Petition (Civil) No. 526 of 2023 in Civil Appeal No. 6990 of 2014, decided 16 May 2024),¹² concerned the vesting of “bachat” (surplus, unearmarked) land taken by pro-rata cut during consolidation proceedings under the Haryana Village Common Lands (Regulation) Act, 1961. The Supreme Court's 2022 judgment had reversed a Full Bench decision of the Punjab and Haryana High Court and held that such land vested in the State or Gram Panchayat even without being earmarked for a specific common purpose. On review, the petitioner argued that this holding overlooked binding Constitution Bench authority, principally *Bhagat Ram, Ajit Singh and Ranjit Singh*, which distinguish acquisition of land by the State from mere modification of proprietary rights, and that vesting in the Panchayat requires an actual change of possession under the consolidation scheme. The Supreme Court agreed, held that its 2022 judgment had overlooked *Bhagat Ram*, recalled the

¹¹ *Union of India & Anr. v. M/s Ganpati Dealcom Pvt. Ltd.* (Review Petition (Civil) No. 359 of 2023 in Civil Appeal No. 5783 of 2022, decided 18 October 2024).

¹² *Karnail Singh v. State of Haryana & Ors.* (Review Petition (Civil) No. 526 of 2023 in Civil Appeal No. 6990 of 2014, decided 16 May 2024).

judgment, and restored the position that unemarked bachat land continues to belong to the proprietors.

This case reflects a further recurring ground for review in the dataset: the failure to apply, or to correctly apply, a binding decision of a larger or coordinate bench, which the Court has treated as tantamount to an error apparent on the face of the record even though it requires legal reasoning rather than a bare inspection of the record.

3.9 Succession and Civil Procedure

Lehna Singh (D) by Lrs. v. Gurnam Singh (D) by Lrs. & Ors.,¹³ required the Court to revisit a 2019 judgment that had set aside a Punjab and Haryana High Court decision on the ground that the High Court had exceeded its jurisdiction under Section 100 of the Code of Civil Procedure, 1908, by reappreciating evidence in second appeal. On review, it was pointed out, with reliance on the Constitution Bench decision in *Pankajakshi v. Chandrika*, that second appeals from Punjab and Haryana are in fact governed by Section 41 of the Punjab Courts Act, 1918, a distinct statutory regime that does not require the framing of a substantial question of law in the manner Section 100 CPC does. The Supreme Court accepted this, held that its 2019 judgment had proceeded on an erroneous statutory premise, recalled it, and on rehearing the appeal on merits, ultimately dismissed the appeal and restored the trial court's decree rejecting the propounded will on grounds of suspicious circumstances.

This case demonstrates that an error as to the applicable statutory provision governing the Court's own jurisdiction in the earlier proceeding is treated as squarely within the error-apparent standard, even where correcting it required the Court, on rehearing, to undertake a fresh and detailed merits analysis of the underlying will.

3.10 Armed Forces Service Conditions

Cdr. Seema Chaudhary v. Union of India and Others,¹⁴ arose in the aftermath of *Union of India v. Lt. Cdr. Annie Nagaraja* (2020), which had removed gender-based restrictions on the grant of Permanent Commission to women Short Service Commission officers in the Navy. The petitioner's appeal, concerning her own claim to permanent commission, had been disposed of together with a batch of other cases on the footing that the Armed Forces Tribunal had relied on material placed before it in a sealed cover to which the officers were not privy. On review,

¹³ *Lehna Singh (D) by Lrs. v. Gurnam Singh (D) by Lrs. & Ors.* (Review Petition (C) No. 1025 of 2019 in Civil Appeal No. 6567 of 2014, decided 16 May 2024).

¹⁴ *Cdr. Seema Chaudhary v. Union of India and Others* (Review Petition (Civil) No. 1036 of 2023 in Civil Appeal No. 2216 of 2022, decided 26 February 2024).

the petitioner demonstrated that her case did not, in fact, involve any sealed-cover issue, and ought not to have been clubbed with the batch. The Supreme Court recalled its order as it applied to her, decided her appeal on its own merits, and directed that a fresh Selection Board consider her case on a standalone basis, invoking Article 142 of the Constitution to direct creation of a proportional vacancy, if necessary, without setting a precedent for other cases. This decision illustrates review being used to correct a procedural misjoinder, the clubbing of a case with a batch of factually dissimilar matters, rather than a substantive error in the reasoning of the original judgment, and shows the Court's willingness to use Article 142 in combination with the review jurisdiction to fashion an individualised remedy.

4. Recurring Grounds for Review

Read together, the ten cases in this dataset suggest that the grounds on which the Supreme Court has, in practice, entertained and allowed review petitions in this period cluster around several categories that extend beyond a narrow, literal reading of “error apparent on the face of the record”:

- (a) Misreading of the contractual or documentary record. The Siddamsetty review is the clearest example, where specific clauses of an agreement were shown to have been misconstrued in a manner that altered the outcome on limitation and readiness and willingness.
- (b) Misapplication of, or failure to apply, binding precedent. Both the Karnail Singh review, concerning the Constitution Bench decision in Bhagat Ram, and the Lehna Singh review, concerning Pankajakshi v. Chandrika, and to an extent the CREDAI review's reliance on an asserted misreading of Common Cause, fall into this category.
- (c) Adjudication of an issue outside the actual dispute between the parties. The Ganpati Dealcom review, where the Court had pronounced on a constitutional question never argued before it, is the clearest instance.
- (d) Post-decisional facts and changed circumstances. The Neethu B. custody review and, in substantial part, the Priyambada Sharma medical education review, rest on developments, a child's deteriorating mental health and the completion of a professional degree respectively, that arose only after the original judgment.
- (e) Procedural misjoinder or reliance on material not properly before the deciding forum. The Seema Chaudhary review, where an unrelated sealed-cover issue from other cases was mistakenly treated as applicable to the petitioner, illustrates this category.
- (f) Statutory misinterpretation with broad regulatory consequences. The Canon India

review, concerning the scope of "proper officer" under the Customs Act, is the paradigm case, notable for the scale of downstream disruption the original judgment was said to have caused.

By contrast, the Konkan Railway review, the one outright rejection in the dataset, shows the limiting principle: factual inaccuracies in the judgment's narration that do not affect the substantive basis of the decision will not, without more, be treated as an error apparent sufficient to justify review.

5. Outcomes and the Anomalous Case

Of the ten review petitions studied, eight were allowed or accepted, resulting in the recall or modification of the original judgment: Neethu B., Priyambada Sharma, Siddamsetty, Canon India, Ganpati Dealcom, Karnail Singh, Lehna Singh, and Seema Chaudhary. One, Konkan Railway, was rejected outright. The tenth, CREDAI v. Vanashakti, presents an unresolved record: the compiled material indicates that an earlier order dismissed the review while a later order appears to have accepted it, without a clear reconciliation between the two. This paper does not resolve that inconsistency but flags it as a caution against treating any single reported outcome as final without independent verification against the certified record of the Supreme Court, particularly in a matter, *ex post facto* environmental clearance, that has attracted sustained litigation and multiple rounds of orders.

The heavy skew toward allowance in this dataset, eight of ten petitions, should not be read as evidence that review is granted routinely. It more plausibly reflects a selection effect inherent in any compilation of notable review decisions: petitions that succeed on a clearly identifiable legal or factual error, and that consequently alter the law or the outcome for the parties, are more likely to be reported and discussed than the (likely far more numerous) review petitions that are summarily dismissed without a reasoned order. Read cautiously, the dataset is better understood as an illustration of the range of grounds on which review can succeed than as a representative sample of the Supreme Court's review docket as a whole.

6. Conclusion

The ten review petitions examined in this paper confirm that the formally narrow test for review under Article 137 and Order XLVII Rule 1 CPC, an error apparent on the face of the record, new and important evidence, or other sufficient cause, has in practice been applied with considerable flexibility. The Supreme Court has treated misapplied precedent, adjudication

beyond the scope of the actual dispute, post-decisional changes in circumstance, and procedural misjoinder as falling within the reach of the review jurisdiction, while continuing to police the boundary against parties who seek merely to re-argue findings on the existing record, as the rejection in *Konkan Railway* shows. The *Canon India* and *Ganpati Dealcom* reviews, in particular, demonstrate that the jurisdiction is available even to recall judgments of considerable precedential weight and administrative consequence, and the liberty granted to third parties in *Ganpati Dealcom* shows the systemic ripple effects such a recall can have. At the same time, the unresolved record in *CREDAI v. Vanashakti* is a reminder that the practical operation of review, unlike its doctrinal statement, is not always a single clean event, and that multiple successive orders on the same review application can leave the final position genuinely unclear on the face of the compiled record. Taken together, the cases suggest that the Supreme Court's review jurisdiction functions less as an exceptional, narrowly circumscribed departure from finality and more as a routinely available, if still carefully reasoned, mechanism for correcting a judgment that has come to be seen, on further reflection or on the basis of subsequent developments, as unjust or legally unsound.

