

Union Of India vs Siemens Ltd. on 24 March, 2023

Bench: S. Ravindra Bhat, Dipankar Datta

ITEM NO.24

COURT NO.14

SECT

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 7213/2023

(Arising out of impugned final judgment and order dated 23-08-2022
in WP No. 986/2019 passed by the High Court Of Judicature At
Bombay)

UNION OF INDIA & ORS.

Peti

VERSUS

SIEMENS LTD. & ORS.

Resp

(IA No.47811/2023-CONDONATION OF DELAY IN FILING and IA
No.47810/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 24-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s)

Mr. N. Venkatraman, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. V.c. Bharathi, Adv.
Ms. Nisha Bagchi, Adv.
Ms. Aakansha Kaul, Adv.
Mr. Anmol Chandan, Adv.

For Respondent(s)

Mr. Abhishek Vikas, AOR
Mr. Tarun Gulati, Sr. Adv.
Mr. Jignesh Ghelani, Adv.
Mr. Kumar Visalaksh, Adv.
Mr. Udit Jain, Adv.
Mr. Archit Gupta, Adv.
Mr. Ajitesh Dayal Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

After hearing counsel for the parties and considering the impugned judgment, this Court is of the opinion that the course adopted in the impugned order does not commend to us, more so having regard to the fact that the writ petition had been opposed by the Union which had even filed an affidavit. In the circumstances, this Court would have been benefited from reasoned judgment on the merits rather than the High Court merely adopting and following the reasoning of an order which appears to have been made in exercise of the power under Article 142 of Constitution of India.

In the circumstances, impugned order is set aside. The matter is remitted for fresh consideration by the High Court which is requested to hear the parties and deliver its judgment on the merits after reflecting upon all contentions and the relevant provisions of law. Since the writ petition is of the year 2019, we request the High Court to dispose it of expeditiously- and possibly within six months from today.

This order shall not exclude the parties from raising all contentions; nor shall it be construed as a reflection on its merits.

The special leave petition is disposed of. Pending applications, if any, are disposed of.

(HARSHITA UPPAL)
SENIOR PERSONAL ASSISTANT

(MATHEW ABRAHAM)
COURT MASTER (NSH)