

Bombay Oil Industries Pvt. Ltd. vs Union Of India (Uoi) And Ors. on 14 November, 1983

Equivalent citations: AIR1984SC160, (1984)1COMPLJ57(SC), 1983(2)SCALE816, (1984)1SCC141, [1984]1SCR815, AIR 1984 SUPREME COURT 160, 1984 TAX. L. R. 2001, 1984 UJ (SC) 25, (1984) 1 COMLJ 57, 1984 9 COM NR 227, 1984 (1) SCC 141, (1984) 10 ALL LR 46, (1984) 55 COMCAS 356

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Bench: Y.V. Chandrachud, E.S. Venkataramiah

ORDER

Y.V. Chandrachud, C.J.

1. The order of the Government dated November 30, 1982 which is impugned in these proceeding leaves much to be desired. But we do not propose to admit the appeal since, after hearing a longish argument from Shri Anil B. Divan on behalf of the appellant, we are satisfied on the material produced before us and on perusal of the counter affidavit of the Government that, there were good reasons for passing the impugned order. We must, however, impress upon the Government that while disposing of applications Under Sections 21, 22 and 23 of the Monopolies and Restrictive Trade Practices Act, 1969 it must give good reasons in support of its order and not merely state its bald conclusion. The faith of the people in administrative tribunals can be sustained only if the tribunals act fairly and dispose of the matters before them by well considered orders. The relevant material must be made available to be objectors because without it, they cannot possibly meet the claim or contentions of the applicants Under Sections 21, 22 and 23 of the Monopolies & Restrictive Trade Practices Act. The refusal of the Government to furnish such material to the objectors can amount to a denial of a reasonable opportunity to the objectors to meet the applicant's case. And denial of a reasonable opportunity to meet the other man's case is denial of natural justice.

2. On the question of the need to give reasons in support of the conclusions to which the Government has come, the authorities concerned may, with profit, see the Judgments of this Court in *Union of India v. Mohan Lal Capoor and Ors.*, *Siemens Engineering & Manufacturing Co. of India Limited v. Union of India & Anr.* [1976] Suppl. SCR 489 and *Uma Charan v. State of Madhya Pradesh and Anr.* .

3. With these observations we dismiss the special leave petition and the appeal.