

M/S. Bombay Oil Industries Pvt. Ltd.

Vs

Union of India and Others

Civil Appeal No. 3191 of 1983 with Special Leave Petition No. 4311 of 1983

(Y. V. Chandrachud, E. S. Vankataramiah, R. B. Misra JJ)

14.11.1983

ORDER

1. The order of the Government dated November 30, 1982 which is impugned in these proceedings 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 the objectors because, without it, they cannot possibly meet the claim or contentions of the applicants under Sections 21, 22 and 23 of the MRTP 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 ((1974) 1 SCR 797 : (1973) 2 SCC 836 : 1974 SCC (L & S) 5 : AIR 1974 SC 87 : (1973) 2 LLJ 504 : 1974 Lab IC 338), Siemens Engineering & Manufacturing Co. of India (1976 Supp SCR 489 : (1976) 2 SCC 981 : AIR 1976 SC 1785) Limited v. Union of India and Uma Charan v. State of M.P. ((1982) 1 SCR 353 : (1981) 4 SCC 102 : 1981 SCC (L & S) 582 : 1981 UPSC 95 : AIR 1981 SC 1915 : (1981) 2 LLJ 303 : (1982) 60 FJR 1 : 1981 Lab IC 1521)

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

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