

BOMBAY OIL INDUSTRIES

v.

UNION OF INDIA

November 14, 1983

[Y. V. CHANDRACHUD, C.J., E. S. VENKATARAMIAH AND
R. B. MISRA, JJ.]

*Monopolies and Restrictive Trade Practices Act, 1969—Ss. 21, 22 and 23—
Objectors must be supplied with relevant materials—Government must give good
reasons in support of its order.*

HELD: 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. Refusal to furnish relevant materials to the objectors can amount to denial of reasonable opportunity and violation of natural justice. [816 C & E]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3191 of 1983.

WITH

S.L.P. (CIVIL) No. 4311 of 1983.

From the Judgment and Order dated the 30th November, 1982 passed by the Govt. of India u/s.22 of the Monopolies & Restrictive Trade Practices Act, 1969 bearing No.2/18/80-M-II.

Anil B. Divan and *B. V. Desai* for the Appellant.

B. V. Desai for the petitioner.

P. R. Mridul, Ravindra Narain, D. N. Misra and *Ashok Sagar* for the respondent in C. A. No. 3191/83.

M. L. Talukdar, C. V. Subba Rao and *R. N. Poddar* for the respondent.

D. N. Misra and *R. N. Poddar* for the respondent in S.L.P. No.4311/83.

The Order of the Court was delivered by

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CHANDRACHUD, C. J. 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 appellants, 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 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.

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 & Ors.*,⁽¹⁾ *Siemens Engineering & Manufacturing Co. of India Limited v. Union of India & Ans.*⁽²⁾ and *Uma Charan v. State of Madhya Pradesh & Anr.*⁽³⁾

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

H.L.C.

Petition dismissed.

(1) [1974] 1 SCR 797

(2) [1976] Suppl. SCR 489

(3) [1982] 1 SCR 353