

ASHOK KUMAR MITTAL
v.
MARUTI UDYOG LTD. & ANR.

MARCH 7, 1986

[V.D. TULZAPURKAR AND A.P. SEN, JJ.]

Justice in Public Interest - Power of the Supreme Court to issue directions or orders - Out-of-turn allotment of Maruti Cars out of manufacturer's discretionary quota of 5% to several categories like defence, VIPs, judiciary including lawyers etc. - Whether the method adopted, namely (a) for the promotion of commercial interest of the company; (b) for the promotion of public interest; and (c) avoidance of undue individual hardships etc. violative of Article 14 of the Constitution and arbitrary - Guidelines by the Supreme Court.

The petitioner applied for allotment of "Maruti Car 800" and due to an error of the computer his name was not included for the allotment of "Maruti 800" but for "Maruti Truck". When the petitioner pointed out the discrepancy the error was accepted by the respondents who however, agreed to consider the case of the petitioner for allotment out of the manufacturers' discretionary quota of 5%. Accordingly, the petitioner was allotted Serial No.8 under the discretionary quota. In the course of certain correspondence that ensued between the petitioner and the respondent, the respondents indicated the usual guidelines adopted in the allotment of the car out of the manufacturers' discretionary quota to defence forces, judiciary, Constitutional heads, MPs etc. The petitioner has challenged such a classification as arbitrary and violative of the provisions of the Article 14 of the Constitution.

Disposing of the petitions,

HELD : The interest of justice would be met, if the allotment of Maruti vehicles out of manufacturers' discretionary quota is made in favour of the named categories specified in the order and subject to strict observance of the conditions indicated therein. [586 E-F]

A (The Court ordered that the guidelines would be in force for a period of three years and will be subject to review later taking into consideration the prevailing circumstances which may exist at that point of time. Applying non-liquet for the present, the Court left open the several contentions raised in the petitions.)

B ORIGINAL JURISDICTION : Writ Petition (Civil) No. 588 and 11716 of 1984.

Under Article 32 of the Constitution of India.

C Soli J. Sorabji, Prashant Desai and R. N. Karanjawala for the Petitioners.

K. Parasaran, Attorney General, Mrs. Vijay Rao and T.V.S.N. Chari for the Respondents.

The Order of the Court was delivered by

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TULZAPURKAR, J. We have heard Mr. Soli J. Sorabjee, Mr. Prashant Bhushan and Mr. R. Karanjawala for the petitioners and the learned Attorney-General, on behalf of the respondents. Various submissions were made on behalf of the parties. After consideration discussion of the various proposals and suggestions made by parties and after having given our anxious and deep consideration to the matter it is ordered that in public interest the following guidelines should regulate the allotment of Maruti vehicles out of the manufacturers' quota of 5 per cent.

F The allotment of Maruti vehicles out of the manufacturers' quota of five per cent will be made in favour of the following categories only:

G I. Any organisation/institution coming within the definition of 'State' under Article 12 of the Constitution of India.

H II. Any hospital or recognised charitable organisation or educational institutions registered or incorporated under a statute or having recognition under Section 80-G of the Indian Income Tax Act, 1961.

III. Individuals

a. An individual suffering from physical handicap so as to render him incapable of using public transport would be eligible for allotment provided his income together with the income of his or her spouse or his or her guardian does not exceed Rs. 60,000 per year.

b. The President of India, Vice-President of India, Cabinet Ministers, Ministers of State in the Union Cabinet and Governors of States and Cabinet Ministers in State Governments, the Chairman of the Public Service Commission, the Chief Election Commissioner, the Auditor and Comptroller General of India and the Attorney General of India.

c. The Speaker and the Deputy Speaker of the Lok Sabha, the Chairman and the Deputy Chairman of the Rajya Sabha, Speakers of State Legislative Assemblies, Chairpersons of State Legislative Councils, and Leaders of Opposition parties in Parliament and in the State Legislatures.

d. The Chief Justice and other Judges of the Supreme Court and the Chief Justice and other Judges of the High Courts.

e. Public servants not below the rank of Additional Secretary to the Government of India.

f. Serving members of the Armed Forces not below the rank of Brigadier in the Army or equivalent rank in the Navy or the Air Force;

g. manufacturers of component parts for utilisation in the manufacture of Maruti vehicles. The number of this category will be restricted to ten per year;

h. employees of Maruti Udyog Ltd., limited to fifty vehicles per year;

i. individuals in recognition of their outstanding humanitarian services to the society or to the Nation. The number in this category will be restricted to ten per year;

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j. individuals cases of undue hardship on humanitarian grounds. The number in this category will be restricted to five per year.

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IV. Error category i.e. individuals whose applications for regular allotment could not be registered on account of any genuine error.

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The following conditions will be strictly observed in the allotment of vehicles to any organisation/institution, person or individual in any of the aforesaid categories:

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a. There will be no resale of the vehicle by the allottee for a period of three years.

This condition will be inserted in the order of allotment issued in favour of the allottee. Maruti Udyog Ltd. will further obtain before giving delivery of the vehicle a written undertaking from the allottee that he will not sell the vehicle for a period of three years from the date of delivery.

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b. There will be no second allotment out of the manufacturers' quota to the same individual.

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c. In each of the aforesaid categories allotment, as far as possible, will be made on first come first served basis in accordance with the date of the receipt of the application for allotment out of the aforesaid manufacturers' quota. In cases where more than one application is received on the same day from individuals in the same category, priority of allotment in such cases will be determined by draw of lots under proper supervision.

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It is clarified that allotments made for military/paramilitary purposes and against firm export orders for supply outside of India, will not be included within 5% of the Manufacturers' quota.

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These guidelines will be in force for a period of three years and will be subject to review taking into consideration the prevailing circumstances which may exist at that point of time.

In view of the aforesaid guidelines, we think, it is unnecessary for us to determine the various submissions and contentions raised on behalf of the parties which are however left open. A

All general interim orders are vacated. However, deliveries made pursuant to our interim orders will stand. B

Liberty to apply.

S.R.