

A M/S. KUNJ ALUMINIUM PRIVATE LIMITED
v.
M/S. KONINKLIJKE PHILIPS ELECTRONICS NV
(Civil Appeal No. 2915 of 2011)

APRIL 4, 2011

B [MARKANDEY KATJU AND GYAN SUDHA MISRA, JJ.]

Judgment/Order – Non-reasoned order – Letters Patent appeal – Division Bench of High Court did not give any reason for dismissing appeal against the order of the Single Judge – Justification – Held: Not justified – The order of Division Bench was too cryptive – There should have been at least a brief discussion of facts and some reasons – Even an order of affirmance must give some reasons, even if brief
D – *Matter remanded to Division Bench of High Court for consideration afresh.*

Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank v. Jagdish Sharan Varshney and Ors.
E JT (2009) 4 SC 519 – relied on.

Case Law Reference:

JT (2009) 4 SC 519 relied on Para 5

F CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2915 of 2011.

From the Judgment & Order dated 30.11.2009 of the High Court of Delhi in Letters Patent Appeal No. 613 of 2009.

G Mrigang Dutta (for Rajiv Mehta) for the Appellant.

Sudhir Chandra, N. Mahabir, Sheetal Vohra (for R. Chandrachud) for the Respondent.

The Judgment of the Court was delivered by

H 236

KUNJ ALUMINIUM PRIVATE LTD. v. KONINKLIJKE 237
PHILIPS ELECTRONICS NV

MARKANDEY KATJU, J. 1. Leave granted. A

2. Heard learned counsel for the parties.

3. This appeal has been filed against the impugned judgment of the Delhi High Court dated 30.11.2009 passed in Letters Patent Appeal No.613 of 2009. Without going into the merits of the controversy we find that the impugned judgment of the Division Bench dated 30.11.2009 gives no reasons. B

4. The impugned judgment of the Division Bench only states : C

“5. We have heard Mr. Arvind Nigam, learned Senior counsel appearing for the appellant at length. We have also perused the documents on records as well as the impugned judgment of the learned Single Judge. D

6. We are of the considered view that the impugned order suffers from no legal infirmity which warrants interference by way of appeal.”

5. In our opinion this was not the way to dispose off an appeal. The impugned order is too cryptive. There should have been at least a brief discussion of facts and some reasons. It has been held by this Court that even an order of affirmance must give some reasons, even if brief vide *Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank vs. Jagdish Sharan Varshney & Ors.* JT 2009(4) SC 519. Hence we set aside the impugned order and remand the matter to the Division Bench for a fresh hearing in accordance with law, expeditiously. E

6. Appeal is allowed. No costs. F

B.B.B. G

Appeal allowed. H