

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5666 OF 2014
WITH
CIVIL APPLICATION (ST.) NO.25877 OF 2014**

Bright Outdoor Media Private Limited ..Petitioner.
versus

The Union of India,
Through Secretary,
Ministry of Finance and another ..Respondents.

.....
Mr. Prakash Shah i/b PDS Legal for the Petitioner.

Mr. Pradeep S. Jetly i/b Anamika Malhotra for Respondent Nos.1 and 2.

.....
**CORAM : B.R. GAVAI &
A.S. GADKARI, JJ.**

23rd March, 2015.

P.C. :

The limited grievance raised in the Petition is that though Respondent No.2 has heard the matter, the order in original has been passed after a period of almost one and half year from the date of hearing of the matter.

2. Heard Mr. Shah, learned counsel appearing for the Petitioner and Mr. Jetly, learned counsel appearing for the Respondents.

3. The undisputed facts are as under :

A show cause notice came to be issued to the Petitioner on 31st July, 2012. In response to the show cause notice, written submissions came to be filed before the authority on 21st September, 2012 so also the replies were filed on 27th September, 2012 and 31st October, 2012.

A personal hearing was also given to the Petitioner on 27th September, 2012. However, the impugned order came to be passed on 28th February, 2014. Being aggrieved thereby, the present Petition.

4. The issue is no more *res integra*. The Apex Court in the catena of judgments has held that an undue delay between conclusion of the arguments and delivery of judgment shakes the confidence of the people in judicial system and affects rights of the parties. Detailed guidelines have been issued by the Apex Court in the case of **Anil Rai v. State of Bihar** reported in **(2001) 7 SCC 318** so that the delay in delivery of the judgment after the matter is concluded is prevented. It will also be appropriate to refer to observations of the Apex Court in the case of **R.C. Sharma v. Union of India and others** reported in **(1976) 3 SCC 574** :

“The Civil Procedure Code does not provide a time limit for the period between the hearing of arguments and the delivery of a judgment. Nevertheless an unreasonable delay between hearing of arguments and delivery of judgment, unless explained by exceptional or extraordinary circumstances, is highly undesirable even when written arguments are submitted. It is not unlikely that some points which the litigant considers important may have escaped notice. But, what is more important is that litigants must have complete confidence in the results of litigation. This confidence tends to be shaken if there is excessive delay between hearing of arguments and

delivery of judgments. Justice must not only be done but must manifestly appear to be done.”

5. When the Apex Court has held that even in the case of the Constitutional Court i.e. the High Court, there should be no delay between the conclusion of the case and passing of an order, it will not be permissible for the Tribunals to pass orders after inordinate delay.

6. On the short ground, the Petition deserves to be allowed. Rule is made absolute by quashing and setting aside the impugned order. The matter is remanded to Respondent No.2 for hearing and decision afresh. Needless to state that Respondent No.2 shall ensure that there is no delay in passing the order after the matter is closed for orders after giving an opportunity of hearing to the parties.

7. Needless to state that since the impugned order is quashed and set aside, any orders which are passed in consequence thereof shall also stand set aside.

8. In view of the orders passed in the Petition, Civil Application (st.) No.25877 of 2014 also deserves to be allowed and is allowed accordingly.

(A.S. Gadkari, J.)

(B.R. Gavai, J.)