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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4365/2016 & CM APPL. 18265/2016

ALCHEMIST TOUCHNOLOGY LTD. & ANR Petitioners

Through: Mr. Rajiv Nayar, Senior Advocate with
Ms. Sonia Dube, Mr. Saurabh Setu and
Mr. S. Chakraborty, Advocates.

versus

INDIAN ROADS CONGRESS

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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13.05.2016

Present writ petition has been filed challenging the letter dated 27th April, 2016 whereby the respondent has withdrawn accreditation of the petitioner with regard to a material known as RBI Grade 81.

In the writ petition, it is averred that on 07th January, 2010, petitioner No.1 entered into a contract with RBI Marketing (Netherlands) BV for the sale of said material.

On 19th March, 2010, petitioner applied for accreditation with respondent and the same was granted to the petitioner on 18th April, 2011 which was subsequently renewed from time to time. Thereafter, disputes arose between the petitioner and RBI Marketing (Netherlands) which are pending adjudication in this Court in *OMP Nos. 14/2015 and 21/2015*.

In the impugned order, it has been mentioned that respondent has withdrawn the accreditation consequent to termination notice dated 12th October, 2015 issued by the Patent Company namely, RBI Marketing (Netherlands) BV.

Mr. Nayar, learned senior counsel for petitioners states that no show cause notice was issued to the petitioner and it was not granted any opportunity of hearing. He submits that the impugned order is in violation of principles of natural justice.

It is well established that principles of natural justice cannot be petrified or fitted into rigid moulds. They are flexible and turn on the facts and circumstances of each case. The question is whether there has been any unfair deal by the authority? (See: **Shrikrishnadas Tikara vs. State Government of Madhya Pradesh & Ors.**, AIR 1977 SC 1691).

The Supreme Court in **Shiv Sagar Tiwari vs. Union of India & Ors.**, (1997) 1 SCC 444 has held “Natural Justice is after all “no unruly horse, no lurking land mine” as characteristically stated by Krishna Iyer, J., in *Chairman, Board of Mining Examination and Chief Inspector of Mines vs. Ramjee* (1977) 2 SCC 256. Its unnatural expansion without reference to these realities can be “exasperating” as observed by the learned Judge. It is also worthwhile to remember, as stated in para 24 of *S.L. Kapoor v. Jag Mohan* (1980) 4 SCC 379, that where on admitted or indisputable facts only one conclusion is possible, the Court may not compel the observance of natural justice, as it would be futile to do so.....”.

Since in the present case, the patent granted in favour of the petitioner has been terminated and the termination orders are *sub judice*, without any interim order in favour of the petitioners, the impugned action of the

respondent cannot be faulted with.

In fact, this Court is of the opinion that if the respondent had not withdrawn the accreditation, it would have been liable for damages. Accordingly, present writ petition and application, being bereft of merit, are dismissed.

Order dasti under the signature of Court Master.

MANMOHAN, J

MAY 13, 2016

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