
(2012) 10 SC CK 0056

Supreme Court of India

Case No: Review Petition (C) No. 739 of 2012 in Civil Appeal No. 7944 of 2010, Review Petition (C) No"s. 106, 107, 108 of 2012 in Civil Appeal No. 7944 of 2010, Review Petition (C) No"s. 655-662 of 2011 in Civil Appeal No"s. 7945-7946 and 7948-7953 of 2010 and

Union of India (UOI)

APPELLANT

Vs

Sandur Manganese
and Iron Ores Ltd. and
Others

RESPONDENT

Date of Decision: Oct. 4, 2012

Citation: (2012) 10 JT 496 : (2012) 10 JT 476 : (2012) 9 SCALE 699 : (2012) 9 SCC 683 : (2012) 4 WLN 190

Hon'ble Judges: P. Sathasivam, J; H.L. Dattu, J

Bench: Division Bench

Advocate: G.E. Vahanwati, AG, L.N. Rao, P. Narasimha, Mukul Rohtagi, D.L.N. Rao, Abhishek M. Singhvi, F.S. Nariman, Krishnan Venugopal, K.K. Venugopal, A.M. Singhvi, Devadatt Kamat, D.S. Mahra, Anoopam N. Prasad, Nisam Pasha, Sridhar Potharaju, K. Parmeshwar, Gaurav Juneja, Sanjeev K. Kapoor, Rahul Chandra, for Khaitan and Co., S.K. Kulkarni, M. Gireesh Kumar, Ankur S. Kulkarni, Amit Bhandari, R.G. Kolle, Anitha Shenoy, Sunil Dogra, M.P. Shorawala, Vishal Gupta, Sidhartha Singh, Kumar Mihir, Uday Tiwary, A. Raghunath, Prashant Mohan Mehta, Sanjay Misra, Sangita Chauhan, Rakesh K. Sharma, Girish Ananthamurthy and Vijayanthi Girish, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. At the foremost, we have carefully gone through the review petition filed by the Union of India and the connected papers and heard the arguments of Mr. G.E. Vahanvati, learned Attorney General. The main ground for review raised by learned Attorney General is that the Union of India was not duly served with the notice of the proceedings in any of the petition for special leave to appeal which were subsequently converted into civil appeals. In addition to the claim of the learned Attorney General, Mr. D.S. Mahra,

Advocate-on-Record for the Union of India, in his letter dated 06.09.2012, addressed to the Registrar (Judicial), Supreme Court of India, has highlighted that since the counsel appearing for the original Appellants contended that the Union of India was duly served and the office report shows that there was proof of delivery duly signed, he requested the Registrar (Judicial) to verify the correct position and ascertain whether the office report is correct and whether it can be said that there is proof of service on the Union of India.

2. In view of the above assertion on behalf of the Union of India about the defective service, we called for a Report from the Registry. We received a Report dated 26.09.2012 from Registrar (Judicial-I) about the service and the office report for the same. The Report states that the notice was indeed not served to "Ministry of Mines" which is a Respondent in these cases, rather it was served to "Ministry of Coal and Mines" which is not in existence. On the basis of the information furnished by the Registry and the assertion of learned Attorney General, we are satisfied that the office reports have erroneously stated that the "notice is complete/notice is duly served".

3. The principles of natural justice embody the right to every person to represent his interest to the court of justice. Pronouncing a judgment which adversely affects the interest of the party to the proceedings who was not given a chance to represent his/its case is unacceptable under the principles of natural justice.

4. In the case on hand, though during the course of hearing, a reference was made as to the presence of learned Attorney General by learned senior Counsel for the Respondents, as mentioned above, we are satisfied that the Union of India was not given an opportunity to represent its case due to mistake on the part of the Registry. Applying the well settled principles governing a review petition and giving our anxious and careful consideration to the facts and circumstances of this case, we have come to the conclusion that the review petition filed by the Union of India should be admitted on the basis of the above reasoning.

5. As far as review petitions filed by JSW Steel Ltd, M/s Kalyani Steels Ltd, M/s Kalyani Steel Mills Ltd. and the State of Karnataka are concerned, we are not passing any orders until the review petition of the Union of India is heard.