A SUDIPTA CHAKROBARTY & ANR.

v.

RANAGHAT S.D. HOSPITAL & ORS.

(Civil Appeal No.9404/2019)

B FEBRUARY 15, 2021

[INDU MALHOTRA AND AJAY RASTOGI, JJ.]

Practice and Procedure: Practice of pronouncing the final operative part of the order without supporting reasons – C *Undisputedly, the rights of the aggrieved parties are prejudiced if the reasons are not available to them to avail of the legal remedy of approaching the Court where the reasons can be scrutinized – It indeed amounts to defeating the rights of the party aggrieved to challenge the impugned judgment on merits and even the succeeding party is unable to obtain the fruits of success of the litigation – This* D *principle has been restated by the Supreme Court on several occasions wherein delay in delivery of judgments has been observed to be in violation of Art.21 of the Constitution of India – In the instant case, National Commission had passed operative order on 26.04.2019 and its reasoned judgment was passed only after eight months – Direction to the President of the National Commission to* E *look into the matter, and take necessary steps so that this practice is discontinued and the reasoned judgment is passed along with the operative order – In all the matters where reasons are yet to be delivered, it must be ensured that the same are made available to the litigating parties positively within a period of two months.*

F *State of Punjab & Ors. v. Jagdev Singh Talwandi* **1984 (1) SCC 596 : [1984] 2 SCR 50;** *Anil Rai v. State of Bihar* **2001 (7) SCC 318 : [2001] 1 Suppl. SCR 298;** *Zahira Habibulla M. Sheikh & Ors. v. State of Gujarat & Ors.* **AIR 2004 SC 3467;** *Mangat Ram v. State of* G *Haryana* **2008 (7) SCC 96 : [2008] 2 SCR 80;** *Ajay Singh & Anr. Etc. v. State of Chhattisgarh & Anr.* **AIR 201 SC 310 : [2017] 1 SCR 286;** *Balaji Baliram Mupade & Anr. v. The State of Maharashtra & Ors.* **(Civil Appeal No. 3564 of 2020 pronounced on 29.10.2020);** *Oriental Insurance Co. Ltd. v. Zaixhu Xie*

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& Ors. **(Civil Appeal No. 4022 of 2020 pronounced on 11.12.2020);** *SJVNL v. M/s. CCC HIM JV & Anr.* **(Civil Appeal No. 494 of 2021 pronounced on 12.02.2021) - relied on.**

Case Law Reference

[1984] 2 SCR 50	**relied on**	**para 3**
[2001] 1 Suppl. SCR 298	**relied on**	**para 3**
AIR 2004 SC 3467	**relied on**	**para 5**
[2008] 2 SCR 80	**relied on**	**para 5**
[2017] 1 SCR 286	**relied on**	**para 5**

CIVIL APPELLATE JURISDICTION : Civil appeal no. 9404 of 2019.

From the Judgment and Order dated 26.04.2019 of the National Consumer Disputes Redressal Commission, New Delhi in Consumer Case No. 671 of 2019.

Anish R. Shah, T. V. George, Soumitra G. Chaudhuri, Chanchal Kumar Ganguli, Advs. for the appearing parties.

The following Order of the Court was passed:

ORDER

In the present case, the reasoned order was passed on 20.12.2019 by the National Consumer Disputes Redressal Commission ("National Commission" for short) in C.A. No.9404 of 2019. A fresh civil appeal was filed before this Court being C.A. No.6476 of 2020, which has been dismissed vide Order dated 06.3.2020.

This Court had *vide* Order dated 08.1.2020 directed the Registrar of the National Commission to submit a Report stating the number of cases in which reasoned judgments had not been passed, even though the operative order had been pronounced in Court. By the report dated 27.7.2020, we have been informed that as on 20.12.2019, there were 85 such cases in which the operative order had been pronounced, but reasoned judgments were not delivered so far.

The fact which has been brought to our notice by the Registrar of the Commission can, in no manner, be countenanced that between the date of operative portion of the order and the reasons are yet to be provided, or the hiatus period is much more than what has been observed

to be the maximum time period for even pronouncement of reserved judgments. In ***State of Punjab & Ors.* Vs. *Jagdev Singh Talwandi*** 1984(1) SCC 596 in para 30, the Constitution Bench of this Court, as far back in 1983, drew the attention of the Courts/Tribunal of the serious difficulties which were caused on account of a practice which was being adopted by the adjudicating authorities including High Courts/ Commissions, that of pronouncing the final operative part of the orders without supporting reasons. This was later again discussed by this Court in ***Anil Rai Vs. State of Bihar*** 2001(7) SCC 318.

Undisputedly, the rights of the aggrieved parties are being prejudiced if the reasons are not available to them to avail of the legal remedy of approaching the Court where the reasons can be scrutinized. It indeed amounts to defeating the rights of the party aggrieved to challenge the impugned judgment on merits and even the succeeding party is unable to obtain the fruits of success of the litigation.

The afore-mentioned principle has been emphatically restated by this Court on several occasions including in ***Zahira Habibulla M. Sheikh & Ors. Vs. State of Gujarat & Ors.*** [AIR 2004 SC 3467 paras 80-82]; ***Mangat Ram Vs. State of Haryana*** [2008 (7) SCC 96 paras 5-10]; ***Ajay Singh & Anr. Etc. Vs. State of Chhattisgarh & Anr.*** [AIR 2017 SC 310] and more recently in ***Balaji Baliram Mupade & Anr. Vs. The State of Maharashtra & Ors.***(Civil Appeal No. 3564 of 2020 pronounced on 29.10.2020) ***Oriental Insurance Co. Ltd. Vs. Zaixhu Xie & Ors.*** (Civil Appeal No. 4022 of 2020 pronounced on 11.12.2020) and **SJVNL Vs. M/s. CCC HIM JV & Anr. (Civil Appeal No. 494 of 2021 pronounced on 12.02.2021)** wherein the delay in delivery of judgments has been observed to be in violation of Article 21 of the Constitution of India and the problems gets aggravated when the operative portion is made available early, and the reasons follow much later, or are not made available for an indefinite period.

In the instant case, the operative order was pronounced on 26.04.2019, and in the reasons disclosed, there is a hiatus period of eight months.

Let this Order be placed before the President of the National Consumer Disputes Redressal Commission to look into the matter, and take necessary steps so that this practice is discontinued, and the reasoned Judgment is passed alongwith the operative order. We would like to

observe that in all matters where reasons are yet to be delivered, it must be ensured that the same are made available to the litigating parties positively within a period of two months. A

With these observations, the Appeal stands disposed of. Pending application(s), if any, stand disposed of.

Divya Pandey Appeal disposed of.