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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5986 OF 2014  
(arising out of SLP (C) No.24520 of 2009)

M/S INDIAN OIL CORP.LTD.& ANR.

Appellants

VERSUS

M/S BHAWANI AUTO SERVICE & ANR.

Respondent

s

O R D E R

Leave granted.

This appeal has been preferred by the appellant against the

order dated 13th August, 2009 passed by the High Court of

Judicature at Allahabad, Lucknow Bench, Lucknow in WP No. 7261

(M/B) of 2009, relevant portion of which reads as follows:

"Thus, we find it necessary, in the interest of justice to direct the respondent Corporation to collect T.T. Retention Sample and nozzle sample from the outlet of petitioner and send it for chemical examination to a reputed laboratory and in case the samples are found to accord with the prescribed standard, the respondent shall restore the supply to outlet of petitioner.

Let a copy of this order be sent to Secretary, Petroleum, Government of India, New Delhi, for holding an independent enquiry into the conduct of the Corporation and its officials in regard to background of the case leading to issuance of the directions herein. The Secretary shall submit a report to this Court within four weeks from the date of receiving a copy of this order, which shall be circulated to us in Chambers"

Signature Not Verified

Digitally signed by  
Rajni Mukhi  
Date: 2014.07.17  
17:02:52 IST

We have heard the learned counsel for the parties and perused

Reason:

the record.

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The impugned order is found to be a non-speaking order as the

Division Bench had not discussed the case advanced by either of

the parties nor decided the issue on merit.

Giving reference to

another case, the Division Bench deprecated the actions of

Corporation and its officials and directed the Secretary, Ministry

of Petroleum and Natural Gas, Government of India, New Delhi to hold an independent enquiry into the conduct of the Corporation and its officials. We are of the view that the High Court not only passed a non-speaking order but also exceeded its jurisdiction in deprecating actions of the Corporation on the basis of some observation made in another case.

For the reasons aforesaid, we set aside the impugned order dated 13th August, 2009 passed in Writ Petition No. 7261 (M/B) of 2009 and remit the matter to the High Court for its decision on merits after notice to the parties.

The appeal is allowed with the aforesaid observation.

.....J.  
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.  
(RANJAN GOGOI)

NEW DELHI  
JULY 04, 2014.

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ITEM NO.205 COURT NO.6 SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 24520/2009

(Arising out of impugned final judgment and order dated 13/08/2009 in WP No. 7261/2009 passed by the High Court Of U.p At Lucknow)

M/S INDIAN OIL CORP.LTD.& ANR. Petitioner(s)

VERSUS

M/S BHAWANI AUTO SERVICE & ANR. Respondent(s)

Date : 04/07/2014 This petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Annam D. N. Rao ,Adv.  
Mr. Annam Venkatesh, Adv.  
Ms. Vaishali R. , Adv.  
Mr. Sudipto Sircar, Adv.

Mrs. Neelam Jain, Adv.

For Respondent(s) Mr. Santosh Kumar, Adv.  
Mr. Apoorva Agrawal, Adv.  
Mr. Mushtaq Ahmad ,Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.  
The appeal is allowed in terms of the Signed Order.

[RAJNI MUKHI]  
SR. P.A.

[USHA SHARMA]  
COURT MASTER

(Signed Order is placed on the file)