

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10085/2023

(Arising out of impugned final judgment and order dated 10-10-2022 in WPC No. 2032/2019 15-12-2022 in RP No. 318/2022 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

M/S. HERO MOTOCORP LTD.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.76850/2023-CONDONATION OF DELAY IN FILING and IA No.76856/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

WITH

Diary No(s). 9759/2023 (IX)

( IA No.78432/2023-CONDONATION OF DELAY IN FILING and IA No.78431/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.78434/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 18-05-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. N. Venkatraman, A.S.G.  
Mr. Mukesh Kumar Maroria, AOR  
Mr. V.c. Bharathi, Adv.  
Mr. Rupesh Kumar, Adv.  
Mr. H.R. Rao, Adv.  
Mr. Annirudh Sharma Ii, Adv.

For Respondent(s) Mr. Ashwini Chandrasekaran, Adv.  
Ms. Priyanka Rathi, Adv.  
Mr. Pallav Mongia, AOR  
Mr. Ankush Mangal, Adv.  
Mr. Tushar Srivastava, Adv.  
  
Mr. Ramesh Singh, Sr. Adv.  
Mr. Nand Kishor, Adv.  
Mr. P. S. Sudheer, AOR

Mr. Rishi Maheshwari, Adv.  
Ms. Anne Mathew, Adv.  
Mr. Bharat Sood, Adv.

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

SLP ( C ) No. 10085/2023

Delay condoned.

Issue notice.

Mr. Pallav Mongia, AOR accepts notice. Caveat is discharged.

The issues involved are identical with those in SLP(C) No. 5928/2023, *Union of India vs. Siemens Ltd.* disposed of by order dated 24.03.2023. In that proceeding as well as in the subsequent cases, this Court has remitted the matter for fresh consideration by the Bombay High Court.

In the SLP (C) Dy. No. 10085/2023, the Delhi High Court (while dealing with W.P. (C) 2032/2019) by its impugned order dated 10.10.2022 has taken into consideration the judgment by the Bombay High Court in *Unichem Laboratories Limited vs Union Of India*. The special leave petition against that order was disposed of, requiring the High Court to consider the matter afresh and not merely confine it to the decision in *Union of India vs. Filco Trade Centre Pvt. Ltd. in SLP (C ) No. 32709-32710/2018*.

This Court is of the opinion that the order in *Unichem Laboratories Limited (Supra)* and *Siemens (Supra)* requiring re-consideration of the entire issue has to be followed. The Court notices that like in the case of *Unichem Laboratories Limited*, *Siemens* and the other proceedings are all pending and have been taken up by the Bombay High Court.

In the circumstances, the impugned order is hereby set aside. In the exercise of this Courts power under Article 139A (2) of the Constitution of India, W.P(C ) No. 2032/2019 is hereby transferred to the file of the Bombay High Court. The learned Chief Justice of the Bombay High Court is requested to ensure that the transfer petition is assigned to the Bench which is dealing with the writ petition in Unichem Laboratories Limited, Siemens etc.

The special leave petition is disposed of.

Pending applications, if any, are disposed of.

Diary No(s). 9759/2023

Delay condoned.

Issue notice.

Mr. P. S. Sudheer, AOR accepts notice.

After hearing learned counsel for the parties, this Court is of the opinion that the impugned order in this case needs to be set aside in light of the order of this Court dated 24.03.2023 in Union of India vs. Siemens Ltd. in SLP (C) Dy. No. 7213/2023. The parties are at liberty raise all contentions.

The special leave petition is disposed of.

Pending applications, if any, are disposed of.

(HARSHITA UPPAL)  
SENIOR PERSONAL ASSISTANT

(MALEKAR NAGARAJ)  
COURT MASTER (NSH)