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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 281 OF 2006

Shri Pradeep K.R.Sangodker.
Goa. ... Petitioner

V/s.

1. State of Goa.
2. The District Consumer
Dispute Redressal Forum,
Alto Porvorim. ... Respondents.

Rohit Bras De Sa for the petitioner.

S.S.Kantak, Advocate General with Ms.Rakhi
Chodankar, AGA for the respondents.

CORAM : V.C.DAGA, J.

DATED : 24th August 2006.

ORDER :

This petition is filed under Article 226
of the Constitution of India with the following
prayer:

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"For a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ order or direction under Articles 226 and/or 227 of the Constitution of India calling for the records of the case for complaint No.21/05 pending before the District Consumer Dispute Redressal Forum at Alto Porvorim and after examining and considering the legality, propriety and correctness of the proceedings, be pleased to issue necessary directions to the District Consumer Disputes Redressal Forum at Alto Porvorim to immediately pronounce judgment on Complaint No.21/05."

2. Rule, returnable forthwith.

Mr.Kantak, learned Advocate General appearing with Ms.Rakhi Chodankar, AGA waives service for the respondents.

3. The learned counsel for the petitioner has brought a disturbing state of affairs to the notice of this Court and made a serious complaint that the complaint filed by the petitioner was heard on 19th June, 2005 and no final orders are passed in spite of lapse of more than 15 months. No final judgment has been declared. This

disturbing fact when brought to the notice of this Court, Mr.Kantak fairly stated that the need has come to issue certain directions to all the courts, judicial and quasi-judicial authorities laying down certain guidelines. Learned Advocate General has circulated draft of the guidelines to be framed for the subordinate courts and authorities.

4. The inordinate and unexplained delay in pronouncement of the judgment or order actually negatives the right of the litigants given by the Statute. Any procedure or course of action which does not ensure a reasonable quick adjudication has been termed to be unjust.

5. It has been held time and again that justice should not only be done but should also appear to have been done. Similarly, whereas justice delay is justice denied, justice withheld is even worse than that. The Apex Court in the case of **Madhav Hayawadanrao Hoskot v. State of Maharashtra**, 1978 (3) SCC 544 had occasion to take serious note of the prejudice normally cause to the litigant due to delay pronouncement of the judgment for the reasons which are not

attributable either to the litigant or to the State or to the legal profession. The learned counsel for the petitioner has referred to various judgments or various High Courts, reference of which is not necessary, to show that only on the ground of delay in rendering the judgment for a period ranging from six months to 10 months judgments were held to be bad in law and set aside.

6. In **R.C.Shama v. Union of India**, 1976 (3) SCC 474, the Apex Court after noticing that the Civil Procedure Code did not provide a time-limit in delivery of a judgment, held:

“Nevertheless, we think that an unreasonable delay between hearing of arguments and delivery of a judgment, unless explained by exceptional or extraordinary circumstances, is highly undesirable even where written arguments are submitted. It is not unlikely that some points which the litigant considers important may have escaped notice. But, what is more important is that litigants must have complete confidence in the results of litigation. This confidence tends to be shaken if there is excessive delay between hearing of arguments and delivery of judgments. Justice, as

we have often observed, must not only be done but must manifestly appear to be done.”

7. Recently, the Apex Court in the case of **Anil Rai v. State of Bihar**, 2002 (3) BCR (SC) 360 : 2001 (7) SCC 318 had also an occasion to consider the serious issue of delayed delivery of judgment by some of the High Courts and had occasion to lay down certain guidelines regarding pronouncement of judgments by the High Court. The similar guidelines can conveniently be laid down for the courts, tribunals and quasi-judicial authorities so as to prevent delayed delivery of the judgment and/or order which at the end of the day results in denial of justice as happened in the instant case.

8. In the case of **Devang Rasiklal Vora v. Union of India**, 2004 (3) BCR 450, the Division Bench of this Court to which I am a party, had an occasion to issue directions to the President of the Central Excise and Gold (Control) Appellate Tribunal, Mumbai to frame and lay down the guidelines on the similar lines as were laid down by the Apex Court in the case of **Anil Rai v.**

State of Bihar (supra) and to issue appropriate administrative directions to all the Benches of the said Tribunal in that behalf.

9. In my opinion, since directions sought are to be issued and guidelines are required to be framed for different courts, tribunals and quasi-judicial authorities, it would be better if this Court itself frames the same rather than leaving it to the discretion of different authorities. Hence following guidelines and directions :-

These directions shall apply to the following judicial quasi judicial authorities/bodies exercising jurisdiction in State of Goa.

- a) All Civil Courts and Criminal Courts;
- b) District and Sessions Courts;
- c) Administrative Tribunal of Goa;
- d) Industrial Tribunal;
- e) Labour Courts;

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- f) Courts constituted under the Consumer Protection Act; viz. District Forum and State Commission;
- g) All other judicial/ quasi judicial authorities exercising such function under the State Local Acts.

All the courts/ authorities are referred to as "Court" in these directions.

(i) All Courts should arrange their roaster in such a manner that they should be able to deliver judgment/ order in any matter at the soonest possible.

(ii) Where final arguments are heard in a matter, judgment should be pronounced within a period of three months from the date of conclusion of the arguments.

(iii) In Misc.Application and/or all other matters, order shall not be delayed beyond a period of two months from the date of conclusion of arguments.

(iv) Whenever judgment/ order is reserved, the judgment/ order when delivered should bear the date on which

the judgment/order was reserved and date on which it is delivered.

(v) Directions contained in clauses 4 and 5 above shall be subject to any statutory provisions, if any, providing for a different period such as Consumer Protection Regulations, 2005; wherein Consumer Forum is required to pass the order invariably within fifteen dates of the conclusion of the arguments as per clause-7 thereof.

(vi) Any judicial officer, failing to comply with directions at Sr.Nos.4 and/or 5 above shall report to the Registrar, High Court of Bombay at Goa every such matter where there is a failure with reasons for non-delivery of such order/judgment. The same will form part of their personal file.

(vii) In case of Government officers discharging judicial/ quasi judicial functions, such report shall be made to the Chief Secretary of Goa and the same will form part of their personal records.

(viii) The judicial officers concerned shall also be liable for disciplinary

action by the High Court and the State Government, as the case may be, for their persistent failure to comply with these directions.

(ix) It is common knowledge that most of the quasi judicial authorities communicate the decision to the parties after reserving the order. This practice should be discontinued forthwith. Every judgment/ order should be pronounced in open Court after notifying the parties the date of the order.

(x) Once the judgment/ order is pronounced, the certified copy should be made available to the parties, if applied for, not later than 7 days and not later than 2 days if the copy is applied for on urgent basis.

10. The good gesture shown by the learned Advocate General in framing guidelines will go a long way in preventing delayed delivery of judgments and orders. He has undertaken on behalf of the State Government to circulate this order to all the subordinate authorities working in the administration of State of Goa.

11. It is needless to mention that if would be open for any citizen or litigant to bring breach of any of these guidelines to the notice of this Court; so as to enable this Court to deal with the matter appropriately.

12. Petition stands disposed of. Rule is made absolute in terms of this order with no order as to costs.

(V.C. DAGA, J.)

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