

ITEM NO.41

COURT NO.16

SECTION XIV

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) Nos.18008-18009/2025

[Arising out of impugned final judgment and order dated 13-12-2024 in WA No.9/2023 13-12-2024 in WA No.10/2023 passed by the High Court of Sikkim at Gangtok]

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

ZYDUS WELLNESS PRODUCTS LTD

Respondent(s)

FOR ADMISSION and I.R.

IA No. 151810/2025 - CONDONATION OF DELAY IN FILING

Date : 28-07-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. S Dwarakanath, A.S.G.
Mr. Rupesh Kumar, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. B K Satija, Adv.
Mr. Aadya Jha, Adv.
Mr. Shyam Gopal, Adv.
Mr. Pratyush Srivistava, Adv.
Mr. Sarthak Karol, Adv.
Mr. Rajat Vaishnav, Adv.
Mr. Prabhakar Yadav, Adv.
Mr. Mudit Bansal, Adv.

For Respondent(s) : Mr. Sujit Ghosh, Sr. Adv.
M/S. Khaitan & Co., AOR
Mr. Ajay Bhargava, Adv.
Mr. Mayank Jain, Adv.
Mr. Marmik Kamdar, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
M/S. Cyril Amarchand Mangaldas, AOR
Mr. Omar Ahmad, Adv.
Mr. Arun Siwach, Adv.
Mr. Ishan Gaur, Adv.
Mr. Vikram Shah, Adv.
Ms. Priyanka Mitra, Adv.
Mr. Ritik Kumar Rath, Adv.
Ms. Vidhi Saxena, Adv.

Mr. Vikash Kumar Jha, Adv.

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

1. We have heard learned counsel for the parties.
2. On 16.07.2025, we had passed the following order:

"1. A preliminary objection as regards maintainability of this special leave petition against the order of the High Court is raised on the ground that the order of the High Court has been duly complied with way back on 21.03.2025 without reserving any right to challenge the same before a higher forum.

2. It has also been contended, by way of a preliminary objection, that the petitioner(s) are guilty of suppression of fact because in the special leave petition the petitioner(s) have made a statement that pursuant to the order of the High Court the petitioner(s) have to carry out adjudication and, therefore, interim relief may be provided whereas by the date when the special leave petition was sworn, the order was already passed by the officer of petitioner no.1, who has been arrayed as petitioner no.3.

3. Learned counsel for the petitioner prays for opportunity to prepare the matter so as to address the Court on the aforesaid aspect i.e., qua maintainability of this special leave petition.

4. List these matters on 28.07.2025."

3. Pursuant to the above order, learned ASG representing the petitioner has cited a number of decisions so as to contend that by mere compliance of a direction given by a Court or Authority, the right to approach the higher forum is not given up as the setting aside of the order by the higher forum would result in restitution.
4. Authorities have also been cited to indicate that if there is suppression of material fact then discretionary jurisdiction can be denied but if the fact suppressed is not material, i.e., having a

bearing on merits of the case, discretionary jurisdiction may be exercised.

5. Having regard to the submissions made by both sides, we are of the view that the petition of the Union cannot be dismissed as not maintainable. However, on examination of the merits of the case and taking into account the reasons recorded by the Division Bench of the High Court, we do not find a good ground to interfere with the impugned order in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is, accordingly, dismissed.

6. Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT

(SAPNA BANSAL)
COURT MASTER (NSH)