

**2023 STPL(WEB) 25 SC  
SUPREME COURT OF INDIA**

(VIKRAM NATH AND AHSANUDDIN AMANULLAH, JJ.)

**GREATER MALWA PARAMEDICAL COLLEGE**

Appellant

*VERSUS*

**STATE OF MADHYA PRADESH AND OTHERS**

Respondent

Civil Appeal No. 4083 of 2023 [Arising out of SLP [C] No.11975 of 2023] with Civil Appeal No. 4084 of 2023 [@SLP(C) No. 11982 of 2023]; Civil Appeal No. 4085 of 2023 [@SLP [C] No.11367 of 2023] and Civil Appeal No. 4086 of 2023 [@SLP(C) No. 12179 of 2023]-Decided on 16-06-2023

**Transfer of Suit from Indore to Jabalpur Bench: No opportunity, time or knowledge to participate in the proceedings**

Advocate(s): Mr. Puneet Jain, Advocate, Mr. Pramod Nair, Advocate, Mr. Yogit Kamat, Advocate, Mr. Mann Arora, Advocate, Ms. Christi Jain, Advocate, Mr. Puneet Jain, Advocate, Mr. Pramod Nair, Advocate, Mr. Yogit Kamat, Advocate, Mr. Mann Arora, Advocate, Ms. Christi Jain, Advocate, for the Appellant;

Mr. Nachiketa Joshi, AAG, Mr. Sunny Choudhary, Advocate, Mr. Sandeep Sharma, Advocate, Mrs. Mrinal Elkar Mazumdar, Advocate, Mr. Sourabh Singh, Advocate, for the Respondent.

**ORDER**

CIVIL APPEAL NO. 4083/2023 @ SLP [C] NO.11975/2023 & CIVIL APPEAL NO. 4084/2023 @ SLP(C) No. 11982/2023

1. Leave granted.
2. Heard learned counsel for the parties.
3. On 04.05.2023, learned Single Judge sitting at the Indore Bench of the Madhya Pradesh High Court passed an interim order which reads as follows:

'Heard on the question of admission and interim relief.

Let notice be issued to the respondents on payment of PF within a week, returnable within four weeks.

Till the next date of hearing, operation of the impugned orders shall remain stayed.

List this petition along with W.P.No.10031/2023.

Certified copy, as per the Rules.'

4. On 10.05.2023, the Division Bench at the Principal Seat at Jabalpur of the High Court of Madhya Pradesh passed an order to the effect that similar matters which were pending at Indore Bench may be called there and may be listed on the next date i.e. 11.05.2023. The order incorporates details of the writ petitions pending before the Indore Bench. The said order dated 10.05.2023 is reproduced below:

'Learned Additional Advocate General has filed a further action taken report along with certain interim orders passed by the Indore Bench of this Court in various writ petitions. The same is taken on record.

Registry to procure those W.P.No.25685 of 2022, W.P.No.10031 of 2023, W.P.No.25669 of 2022, W.P.No.10030 of 2023, W.P.No.10683 of 2023, W.P.No.10673 of 2023, W.P.No.10669 OF 2023, W.P.No.10733 of 2023 and W.P.No.10732 of 2023 from the Indore Bench.

The Government may also clarify with regard to the noting at Page 7 of the report pertaining to certain cases where RRCs are yet to be issued.

Call on 11.05.2023 along with Writ Petition No.12031 of 2016 and Writ Petition No.25743 of 2022.'

5. On 11.05.2023, the Division Bench at Jabalpur records in the Writ Petitions transferred from Indore that none appears for the petitioner therein nor any representation is made and as such there is no question to continue the stay order. Meaning thereby that the interim order granted on 04.05.2023 stood vacated.

6. The said order dated 11.05.2023 is reproduced hereunder:

'None appears for the petitioner nor any representation is made.

By the order dated 4.5.2023, the operation of the impugned orders was stayed till next date of hearing. Today none appears for the petitioner. Therefore, there is no question to continue the stay order.

Issue rule nisi.

Post for hearing in the usual course.'

7. Aggrieved by the said order, these present appeals have been preferred.

8. The basic grievance of the appellants is that they had no opportunity, time or knowledge to participate in the proceedings before the Division Bench at Jabalpur as the matter was fixed for the very next day. No intimation was given to the appellants or their counsels about the transfer of petitions from Indore to Jabalpur.

9. Learned counsel appearing for the State of Madhya Pradesh and the other State authorities impleaded as respondents in the petitions submitted that in other similar matters the Division Bench has passed orders apparently directing the similar petitioners therein to make deposits to the extent of 50 per cent of the demand.

10. Be that as it may, we are not convinced with the manner the Division Bench has proceeded to vacate the interim orders in the facts and circumstances stated above.

11. We accordingly set aside the order dated 11.05.2023, leaving it open for the Division Bench to ensure giving appropriate notice and time to the appellants to engage counsels and represent before the Division Bench and thereafter appropriate orders may be passed as the Division Bench may deem fit after hearing learned counsel for the appellants.

12. The State of Madhya Pradesh and the State authorities would be at liberty to file a copy of this order before the Division Bench and move appropriate application for further listing.

13. Till fresh orders are passed by the Division Bench as observed above it is directed that the interim order passed by the Single Judge on 04.05.2023 will continue.

14. The appeals are allowed in the above terms.

15. Pending application(s), if any, is/are disposed of.

CIVIL APPEAL NO.4085/ 2023 @SLP [C] NO.11367/2023 & CIVIL APPEAL NO.4086/ 2023 @SLP(C) No. 12179/2023

16. Leave granted.

17. Heard learned counsel for the parties.

18. On 01.05.2023, learned Single Judge sitting at the Indore Bench of the Madhya Pradesh High Court passed an interim order which reads as follows:

'Heard on the question of admission and interim relief.

Let notice be issued to the respondents on payment of PF within a week, returnable within four weeks.

Till the next date of hearing, operation of the impugned orders shall remain stayed.

List this petition along with W.P.No.22439/2022 and 26867/2022.

C.C. as per rules.'

19. On 10.05.2023, the Division Bench at the Principal Seat at Jabalpur of the High Court of Madhya Pradesh passed an order to the effect that similar matters which were pending at Indore Bench may be called there and may be listed on the next date i.e. 11.05.2023. The order incorporates details of the writ petitions pending before the Indore Bench. The said order dated 10.05.2023 is reproduced below:

"Learned Additional Advocate General has filed a further action taken report along with certain interim orders passed by the Indore Bench of this Court in various writ petitions. The same is taken on record.

Registry to procure those W.P.No.25685 of 2022, W.P.No.10031 of 2023, W.P.No.25669 of 2022, W.P.No.10030 of 2023, W.P.No.10683 of 2023, W.P.No.10673 of 2023, W.P.No.10669 OF 2023, W.P.No.10733 of 2023 and W.P.No.10732 of 2023 from the Indore Bench.

The Government may also clarify with regard to the noting at Page 7 of the report pertaining to certain cases where RRCs are yet to be issued.

Call on 11.05.2023 along with Writ Petition No.12031 of 2016 and Writ Petition No.25743 of 2022.'

On 11.05.2023, the Division Bench at Jabalpur declines to extend the interim order despite request on behalf of the petitioner to grant time for making submissions. Meaning thereby that the interim order granted on 01.05.2023 stood vacated.

20. The said order dated 11.05.2023 is reproduced hereunder:

'Shri Paritosh Gupta-Advocate for the petitioners.

Shri Ashish Anand Bernard-Additional Advocate General and Shri Amit Seth-Deputy Advocate General for respondents/State.

By the order dated 01.05.2023, the operation of the impugned orders was stayed till the next date of hearing.

Learned Additional Advocate General submits that vide impugned orders RRCs have been issued for recovery against the petitioners. Therefore, in case any interim order is to be granted it should be subject to deposit of 50% of the recoverable amount.

Learned counsel for the petitioners submits that he wants time to make submission. At his request, call after vacation.

Learned counsel for the petitioners made a request for extension of the interim order. We do not think it is appropriate to grant the stay especially when huge amounts of recovery are due and nothing is paid by the petitioners.'

21. Aggrieved by the said order, these present appeals have been preferred.

22. The basic grievance of the appellants is that they were denied opportunity to participate in the proceedings and make submissions before the Division Bench at Jabalpur as the matter was fixed for the very next day. Request for time was denied. The interim order granted on 01.05.2023 was not extended.

23. Learned counsel appearing for the State of Madhya Pradesh and the other State authorities impleaded as respondents in the petitions submitted that in other similar matters the Division Bench has passed orders apparently directing the similar petitioners therein to make deposits to the extent of 50 per cent of the demand.

24. Be that as it may, we are not convinced with the manner the Division Bench has proceeded to vacate the interim orders in the facts and circumstances stated above.

25. We accordingly set aside the order dated 11.05.2023, leaving it open for the Division Bench to ensure giving appropriate opportunity and time to the appellants to make submissions before the Division Bench and thereafter appropriate orders may be passed as the Division Bench may deem fit after hearing learned counsel for the appellants.

26. The State of Madhya Pradesh and the State authorities would be at liberty to file a copy of this order before the Division Bench and move appropriate application for further listing.

27. Till fresh orders are passed by the Division Bench as observed above it is directed that the interim order passed by the Single Judge on 01.05.2023 will continue.

28. The appeals are allowed in the above terms.

29. Pending application(s), if any, is/are disposed of.

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