

FULL COURT REFERENCE TO BE HELD ON 28TH AUGUST, 2015 AT 3.00P.M. ON THE SAD DEMISE OF LATE SHRI O.P. DUA, SENIOR ADVOCATE

JUSTICE G. ROHINI
CHIEF JUSTICE

My esteemed brother and sister Judges,
Shri Sanjay Jain, Additional Solicitor General of India;
Shri K.K. Manan, Chairman, Bar Council of Delhi;
Shri Rajeev Khosla, President, Delhi High Court Bar Association;
Shri Abhijat, Hony. Secretary, Delhi High Court Bar Association;
Shri Raman Duggal, Standing Counsel (Civil), Govt. of NCT of Delhi;
Shri Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT of Delhi;
Other Standing Counsels of the Central and State Government;
Executive Members of the Delhi High Court Bar Association;
Office Bearers of other District Bar Associations
Senior Advocates
Members of the Bar
Family members of Shri O.P. Dua
Ladies and Gentlemen.

We have assembled here today to express our profound sense of grief on the death of one of the finest senior members of the Bar Sh.O.P.Dua.

Shri O.P. Dua was born on 4th April, 1931 in Punjab in the undivided India. After graduating in Science, he opted for law course and obtained the degree of Bachelor of Laws. Having enrolled as an Advocate on 27th March, 1962, he actively practiced in all branches of law and appeared before various Tribunals, High Courts as well as the Supreme Court of India. He was a member of the Bar Council of Delhi from 1981 and owing to his leadership qualities, he was elected as the Chairman of the Bar Council of Delhi in 1983 and remained as such till 1985. He was designated as the Senior Advocate by the High Court of Delhi in the year 1998.

Shri Dua had a professional experience of over 47 years in various fields of law, particularly Corporate & Commercial laws and Taxation.

Shri Dua was on the panel of Senior Advocates for Monopolies and Restrictive Trade Practices Commission from January 1982 till April 1993. He was also the Special Counsel for State in several cases of importance under Monopolies and Restrictive Trade Practices Act and made valuable contribution in deciding landmark cases.

Shri Dua held various honorary positions as the President, MRTPC Bar Association, Delhi during 1991-92; President, Income-Tax Appellate Tribunal Bar Association, Delhi during 1987-88; President, Bar Association (Income Tax), Delhi during 1977-79 and again during 1981-82. He was the General Secretary, All India Tax Advocates Association, Delhi during 1971-74 and Founder President of the Competition Law Bar Association from 2009. He was also the Chief Advisor of Judgment Today – a Daily Journal for Supreme Court Judgments.

Shri Dua had made significant contribution in the field of corporate law. He was basically a corporate lawyer and his main field of practice included Competition Law, Monopolies and Restrictive Trade Practices, Unfair Trade Practices, Commercial laws and Taxation. Some of the landmark cases he argued under MRTP Act included Alkali Manufacturers Association of India Vs American Natural Soda Ash Corp & Ors.; Director General Vs. Sumitomo Corp. Tokyo, Japan & Ors.; Director General Vs. M/s Cement Manufacturers Association & Ors. and Shri Sarabjit S. Mokha Vs M/s Cement Manufacturers Association.

In ***Saurabh Prakash v. DLF Universal Ltd., (2007) 1 SCC 228***, the issue in question before the Apex Court was the extent of jurisdiction of the MRTP Commission. Accepting the submissions of Shri Dua, the Supreme Court held that the power of the Commission is

restricted to cases where loss or damage has been caused due to monopolistic, restrictive or unfair trade practice and not from mere breach of contract.

In ***Kwality Ice Cream Co. & Restaurant v. Sales Tax Officer, 1975 (11) DLT 180***, the issue was whether ice-cream is a milk product within the meaning of Entry 12 in the Second Schedule of the Bengal Finance (Sales Tax) Act, 1941 as extended to the Union Territory of Delhi and therefore exempt from assessment from sales tax. Accepting the arguments of Shri Dua, this Court held in the affirmative holding ice cream is a milk product within the meaning of Entry 12 in the Second Schedule of the Bengal Finance (Sales Tax) Act, 1941.

Though there was no occasion for me to interact with Shri Dua, I am told that he was a God fearing man and always encouraged the juniors at the Bar. His absence would be felt by the Bench and the Bar equally.

He is survived by his wife Smt. Santosh Dua, two daughters Charu and Ashu and a son Atul. Charu and Atul followed the footsteps of their father and joined the legal profession. The inevitable happened on 28.06.2015 and Shri Dua left for the heavenly abode at the age of 84 after living an eventful and purposeful life.

The sad demise of Late Shri Dua has resulted in an irretrievable loss not only to his family members but also to the legal fraternity as a whole. I on behalf of myself and my brother and sister Judges extend our heartfelt condolences to the members of the bereaved family and pray to the Almighty to give them strength to bear the irretrievable loss. May the Almighty bestow peace upon the departed soul.

(AFTER REFERENCE BY LAWYERS IS OVER)

I request you all to pay homage in the memory of Sh.O.P. Dua by standing in silence for two minutes.

(The Hon'ble Judges will take their respective seats for a moment after the silence, and it will be announced by Hon'ble the Chief Justice as under).

"As a mark of respect to the departed soul, the Court is adjourned for the rest of the day".