

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 5835, 6533, 7025, AND
9711-9713 OF 2014

WITH

PRAYER FOR INTERIM RELIEF

Tata Motors Finance Ltd.

.....Petitioner

-Versus-

Assistant Commissioner of Sales Tax & Ors.

.....Respondents

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 24th March, 2014 when the Court was pleased to pass the following order:-

“Permission to file special leave petitions is granted is S.L.P. (Civil) No. /2014 [CC 5079-5081/2014] and delay condoned.

Issue notice returnable in ten weeks.

Dasti, in addition to the ordinary process, is permitted.

Mr. Anip Sachthey, advocate, waives service for respondent Nos. 1 to 3.

Counter affidavit may be filed by respondent Nos. 1 to 3 within six weeks.

Rejoinder, if any, may be filed by the petitioners within four weeks therefrom.

Prayer for interim relief is rejected.

However, it is made clear that tax already paid or to be paid shall be subject to the final decision in the special leave petitions.”

Service position of notice in each of the matters is as under:

S.L.P. © Nos. 5835, 6533 and 7025 of 2014.

Accordingly, show cause notice was issued to all the respondents/State of West Bengal through Mr. Anip Sachthey, Advocate on 21st April, 2014 who has already filed Caveat/Vakalatnama/Appearance on behalf of all the respondents in these matters.

S.L.P. © Nos.9711-9713 of 2014.

Accordingly, show cause notice was issued to respondents Nos. 1, 2, 3, 5 and 7 through Mr. Anip Sachthey, Advocate who has already filed Caveat/Vakalatnama/Appearance on behalf of the said respondents. Show cause notice was also issued to proforma respondent Nos. 4, 6 and 8 through registered A.D.

Post on 21st April, 2014. Neither A.D. Card nor unserved cover containing the notice has been received back from the said respondents so far.

The office report regarding service position and for not filing the counter affidavit was listed before the Ld. Registrar Court from time to time and lastly on 26th February, 2015, when the following order was passed:

“SLP © Nos. 5835, 6533 and 7025/2014

The respondents have failed to file the counter affidavit within the period stipulated under the rules. Viewed thus, the matter shall be processed for listing before the Hon'ble Court on its own turn.

SLP © No. 9711-9713/2014

Fresh steps for the service of notice by usual mode to the unserved respondent Nos. 6 and 8 shall be taken by the learned counsel for the petitioner within a period of three weeks. Dasti in addition is permitted to be served through the Trial Court the particulars of which shall be furnished by the learned counsel for the petitioner within the period prescribed above.

List again on 7.5.2015.”

SLP © Nos. 5835, 6533 and 7025/2014

It is submitted that counsel for all the respondents has on 11th June, 2015 filed counter affidavit in these matters and copies of the counter affidavit have been included in the paper books.

SLP © No. 9711-9713/2014

It is submitted that counsel for respondent Nos. 1, 2, 3, 5 and 7 has on 11th June, 2015 filed counter affidavit and copies of the counter affidavit have been included in the paper books. M/s. Karanjawala Co., Advocates has on 13th May, 2014 filed Vakalatnama/Appearance on behalf of Sl. No. 8 (proforma respondent No. 4 in S.L.P. (C) No. 9713 of 2014 . Mr. P.H. Parekh & Co., Advocates has on 14th December, 2015 filed Vakalatnama/Appearance on behalf of Sl. No. 4 (proforma respondent No. 4 in S.L.P. © No. 9711 of 2014) and Mr. Kishore Kunal, Advocate has on 6th January, 2016 filed Vakaltanama/Appearance on behalf of Sl. No. 6 (proforma respondent No. 5 in S.L.P. © No. 9712 of 2014) but Counsel for the said respondents has not filed counter affidavit so far. Service of notice is complete.

Thereafter, the office report in S.L.P. © Nos. 9711-9713 of 2014 with regard to not filing of the counter affidavit was listed before the Ld. Registrar Court from time to time and lastly on 2nd March, 2016, when the following order was passed:-

“Ld. Counsel for the respondent No. 4 in SLP © No. 9711/2014 and Respondent No. 5 in SLP © No. 9712/2014 have stated that they do not need to file the counter affidavit. This is taken on record. Viewed thus, the matter shall be processed for listing before the Hon'ble Court under the rules.”

The matters are listed before the Hon'ble Court with this office report.

Dated this the 11th day of April, 2016.

ASSISTANT REGISTRAR

Copy to:

1. M/s. Karanjawala & Co., Advocates
12th Floor, HT House, 1820,
K.G. Marg, New Delhi – 110 001.
2. Mr. Anip Sachthey, Advocate
6, School Lane, New Delhi – 110 001.
3. M/s. Parekh & Co., Advocate
134, Lawyer's Chamber.
4. Mr. R. Chandrachud, Advocate
231, New Lawyer's Chamber.
5. Ms. Jasmine Danikewala, Advocate
6. Mr. Kishore Kunal, Advocate
Office No. 7, First Floor, Atma Ram
Mansion, Scindia House, K.G. Marg,
Connaught Place, New Delhi- 01.

ASSISTANT REGISTRAR