

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10027 of 2014, 7235, 7038, 7238, 3248-3252,  
3247, 4208, 2082-2083, 2081, 1430, 1888, 2437, 3060, 1647, 1326,  
4209, 1400, 45, 2474, 1335-1358 & 7243 of 2015

Commissioner of Central Excise & Customs etc. ....Appellant(s)

-Versus-

M/s Deep Construction Co. & Ors. Etc. , ....Respondent(s)

OFFICE REPORT

CIVIL APPEAL NOS. 10027 of 2014, 1400, 4209, 3247 & 1326 of 2015

The Office Report dated 18<sup>th</sup> January 2016 was listed before the Learned Registrar Court on 19<sup>th</sup> January 2015, when the following orders were passed:-

**“C.A. No. 10027/2014**

**Four weeks' time, as last opportunity, is granted to the petitioner for filing affidavit with proof of dasti service of the sole respondent.**

**C.A. No. 1400/2015**

**Nobody appears for the sole respondent, despite due service.**

**C.A. No. 4209/2015**

**Opportunity for the sole respondent to file the counter affidavit has already been declined.**

**C.A. No. 3247/2015**

**Await service of the sole respondent.**

**C.A. No. 1326/2015**

**Fresh steps to be taken for service of the sole respondent within four weeks. Notice thereafter be issued.**

**List again on 31.3.2016.”**

CIVIL APPEAL NO.10027 OF 2014

It is submitted that the Counsel for the appellant has on 15<sup>th</sup> February 2015 filed Affidavit of Service with Proof of Service which shows that Sole Respondent has been served with Dasti Notice on 20<sup>th</sup> January 2016, but no one has filed Vakalatnama/Appearance on behalf of Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 19).

CIVIL APPEAL NO.1400 OF 2015

It is submitted that Mr. M.P. Devanath, Advocate has on 8<sup>th</sup> February 2015 filed Vakalatnama/ Appearance on behalf of Sole Respondent, but he has not filed Counter Affidavit so far. Statement of Case is also awaited.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 13).

CIVIL APPEAL NO.4209 OF 2015

It is submitted that Counsel for the Sole Respondent has not filed Counter Affidavit so far. Statement of Case is also awaited.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 18).

CIVIL APPEAL NO. 3247 OF 2015

It is submitted that Notice of Lodgement of Petition of Appeal was issued on 8<sup>th</sup> April 2015 through Registered A.D. Post to the Sole Respondent . Unserved cover containing the said notice has been received back from the respondent with postal remarks “No such person”.

It is further submitted that Counsel for the Appellant has not furnished latest and correct address of the unserved Sole Respondent despite this Registry's Letter dated 30<sup>th</sup> April 2015.

It is lastly submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 50).

CIVIL APPEAL NO. 1326 OF 2015

It is submitted that Counsel for the Appellant has not taken fresh steps to effect service of Notice on unserved Sole Respondent.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 84).

CIVIL APPEAL NO. 7235 of 2015

The matter was listed before the Hon'ble Court on 18<sup>th</sup> September 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.  
Notice.  
Tag with C.A. Nos.1335-1358 of 2015.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 5<sup>th</sup> October 2015 to the Sole Respondent through Registered A.D. Post. A.D. Card duly signed with rubber stamp has been received back from the Sole Respondent, but no one has filed Vakalatnama/ Appearance on behalf of Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 31).

CIVIL APPEAL NO. 7038 of 2015

The matter was listed before the Hon'ble Court on 11<sup>th</sup> September 2015, when the Court was pleased to pass the following orders:

**“Notice on the appeal as also on delay..  
Tag with C.A.D. 14475/2014.”**

Accordingly, Show Cause Notice was issued on 23<sup>rd</sup> September 2015 to the Sole Respondent through Registered A.D. Post. Unserved cover containing the said notice has been received back with postal remarks “Company closed.”

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 14).

**CIVIL APPEAL NOS. 7238 & 7243 of 2015**

Both the matters were listed before the Hon'ble Court on 18<sup>th</sup> September 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.**

**Admit.**

**Tag with Civil Appeal Nos.1335-1358 of 2015.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 5<sup>th</sup> October 2015 and 29<sup>th</sup> September 2015 to the Sole Respondent in both the matters through Registered A.D. Post. Unserved cover containing the said notice has been received back in respect of Sole Respondent in C.A. No.7238 of 2015 with postal remarks “Left” and A.D. Card duly signed without rubber stamp has been received back from the Sole Respondent in C.A. No.7243 of 2015.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 62 & 18 respectively).

**CIVIL APPEAL NOS. 3248-3252 of 2015**

The matters were listed before the Hon'ble Court on 27<sup>th</sup> March 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.**

**Admitted.**

**Tag with C.A. Nos.1335-58 of 2015.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 21<sup>st</sup> April 2015 to the Common Sole Respondent through Mr. R. Chandrachud, Advocate, who has already filed Caveat/ Vakalatnama/ Appearance on behalf of Sole Respondent, but he has not filed Counter Affidavit so far. Statement of Case is also awaited.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 82).

**CIVIL APPEAL NO. 4208 of 2015**

The matter was listed before the Hon'ble Court on 1<sup>st</sup> May 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.**

**Admit.**

**Tag with Civil Appal No. 1335-58 of 2015.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 26<sup>th</sup> May 2015 to the Sole Respondent through Registered A.D. Post. A.D. Card duly signed on 5<sup>th</sup> June 2015 without rubber stamp has been received back from the Sole Respondent but no one has filed Vakalatnama/ Appearance on behalf of Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite Valuation Affidavit in petition of appeal (Page 92).

**CIVIL APPEAL NOS. 2081 & 2082-2083 of 2015**

Both the matters were listed before the Hon'ble Court on 16<sup>th</sup> February 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.**

**Admit.**

**Tag with Civil Appeal Nos.1335-1358 of 2015.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 14<sup>th</sup> March 2015 and 13<sup>th</sup> March 2015 to the Sole Respondent in both the matters through Registered A.D. Post. Mr. Ashok K. Mahajan, Advocate and Mr. Rupesh Kumar, Advocate has on 8<sup>th</sup> April 2015 and 27<sup>th</sup> March 2015 filed Vakalatnama/ Appearance on behalf of Sole Respondent in both the matters. Mr. Ashok K Mahajan, Advocate has filed Counter Affidavit on behalf of Sole Respondent in C.A. No.2081 of 2015, but Mr. Rupesh Kumar, Advocate has not filed Counter Affidavit so far.

It is submitted that time to file Statement of Case has expired, but no one has filed Statement of Case except Mr. B.K. Prasad, Advocate on behalf of the Appellant in C.A. No.2082-2083 of 2015.

It is lastly submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 24 & 85 respectively).

**CIVIL APPEAL NO. 1430 of 2015**

The matter was listed before the Hon'ble Court on 2<sup>nd</sup> February 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.**

**Admit.**

**Tag with Civil Appeal No.7370 of 2014.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 12<sup>th</sup> February 2015 to the Sole Respondent through Registered A.D. Post. Neither A.D. Card nor unserved cover containing the said notice has been received back from the Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 25).

**CIVIL APPEAL NO. 1888 of 2015**

The matter was listed before the Hon'ble Court on 6<sup>th</sup> February 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.**

**Admit.**

**Tag with Civil Appeal No.7370 of 2014.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 27<sup>th</sup> February 2015 to the Sole Respondent through Registered A.D. Post. A.D. Card duly signed with rubber stamp has been received back from the Sole Respondent, but no one has filed Vakalatnama/ Appearance on behalf of Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 31).

**CIVIL APPEAL NO. 2437 of 2015**

The matter was listed before the Hon'ble Court on 23<sup>rd</sup> February 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.  
Appeal admitted.  
Issue notice on the application for stay,  
returnable on 20<sup>th</sup> April, 2015.  
Tag with C.A. Nos.1335-1358 of 2015.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 2<sup>nd</sup> March 2015 to the Sole Respondent through Registered A.D. Post. Mr. Anil Kumar Tandale, Advocate has on 21<sup>st</sup> April 2015 filed Vakalatnama/ Appearance on behalf of Sole Respondent, but he has not filed Counter Affidavit so far. Statement of Case is also awaited.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 88).

**CIVIL APPEAL NO. 3060 of 2015**

The matter was listed before the Hon'ble Court on 6<sup>th</sup> February 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.  
Notice.  
Tag with C.A. No.7370 of 2014 and connected  
matters.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 27<sup>th</sup> March 2015 to the Sole Respondent through Registered A.D. Post. Neither A.D. Card nor unserved cover containing the said notice has been received back from the Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee as per valuation given in Listing Proforma (Page A-2).

**CIVIL APPEAL NO. 1647 of 2015**

The matter was listed before the Hon'ble Court on 30<sup>th</sup> January 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.  
Admit.  
Tag with Civil Appeal No.7370 of 2014.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 11<sup>th</sup> March 2015 to the Sole Respondent through Registered A.D. Post. Neither A.D. Card nor unserved cover containing the said notice has been received back from the Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 25).

**CIVIL APPEAL NO. 2474 of 2015**

The matter was listed before the Hon'ble Court on 23<sup>rd</sup> February 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.  
Appeal Admitted.  
Tag with Civil Appeal Nos.1335-1358 of 2015.”**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 21<sup>st</sup> March 2015 to the Sole Respondent through Registered A.D. Post. Neither A.D. Card nor unserved cover containing the said notice has been received back from the Sole Respondent so far.

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 251).

**CIVIL APPEAL NOS. 45 & 1335-1358 of 2015**

Both the matters were listed before the Hon'ble Court on 27<sup>th</sup> January 2015, when the Court was pleased to pass the following orders:

**“Delay condoned.**

**Admit.**

**Tag with C.A. Diary No.14475 of 2014.**

**Pleadings may be completed in the meantime.”**

**CIVIL APPEAL NO. 45 of 2015**

Accordingly, Notice of Lodgment of Petition of Appeal was issued on 19<sup>th</sup> February 2015 to the Sole Respondent in C.A. No.45/2015 through Mr. M.P. Devanath, Advocate who has already on 15<sup>th</sup> December 2015 filed Vakalatnama/Appearance on behalf of Sole Respondent, but he has not filed Counter Affidavit on behalf of Sole Respondent. Statement of Case is also awaited.

**CIVIL APPEAL NOS. 1335-1358 of 2015**

Notice of Lodgment of Petition of Appeal was issued on 10<sup>th</sup> April 2015 to all the 23 Respondents through Registered A.D. Post.

**Service Position of NLPA is as under:**

<b>R#</b>	<b>Appeal No. # / 2015</b>	<b>A.D. or Vakalatnama / Appearance filed by:</b>	<b>Counter Affidavit</b>	<b>Remarks</b>
1.	1335	Mr. Anil Kumar Taandaale, Advocate on 21.04.2015		Service complete
3.	1337	A.D. Card duly signed on 11.04.15 with Rubber Stamp received back		Service complete
5.	1339	Unserved Cover received back with postal remarks “Left and no such person”		Unserved

7.	1341	Unserved Cover received back with postal remarks "Left and no such person"		Unserved
8.	1342	<b>Mr. Praveen Swarup, Advocate Caveat on 09.04.2014</b>	18.02.2015	<b>Service complete.</b>
9.	1343	Unserved Cover received back with postal remarks "Repeated vist, found locked"		Unserved
10.	1344	Unserved Cover received back with postal remarks "Left and no such person"		Unserved
11.	1345	<b>Mr. M.P. Devanath, Advocate on 08.12.2015</b>		<b>Service complete.</b>
12.	1346	Unserved Cover received back with postal remarks "No such company."		Unserved
15.	1349	<b>Mr. Bhargava V. Desai, Advocate on 03.09.2015</b>		<b>Service complete.</b>
2, 4, 6, 13, 14, 16 to 23	1336, 1338, 1340, 1347, 1348, 1350 to 1358	Neither A.D. Card nor unserved Cover received back		Unserved

It is further submitted that Counsel for the appellant has not filed deficit Court Fee despite undertaking given in petition of appeal (Page 158).

The Office Report is listed before the Ld. Registrar Court for orders.

Dated this the 28<sup>th</sup> day of March, 2016.

ASSISTANT REGISTRAR

Copy to :-

1. Mr. B.K. Prasad, Advocate  
Central Agency Section.
2. Mr. Nikhil Nayyar, Advocate  
133, Lawyers Chambers,  
Supreme Court Compound.
3. M/s Mittar & Mittar Company.
4. Mr. Anil Kumar Taandaale, Advocate  
114 Old Lawyers Chambers.
5. Mr. Praveen Swarup, Advocate  
25, Old Lawyers Chambers.
6. Mr. M.P. Devanath, Advocate  
5, Jangpura Extn., Link Road,  
New Delhi- 110014.
7. Mr. Bhargava V. Desai, Advocate  
70, Old Lawyers Chambers.
8. Mr. Ashok K. Mahajan, Advocate
9. Mr. Anil Kumar Tandale, Advocate
10. Mr. R. Chandrachud, Advocate
11. Mr. Rupesh Kumar, Advocate

ASSISTANT REGISTRAR

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