

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1546, 1548, 2435 OF 2008, 4435 OF 2009, S.L.P. © NO. 17639 OF 2010, CIVIL APPEAL NOS. 8095 OF 2010, 6759 OF 2009, S.L.P. © NOS. 35224 OF 2010, 478, 481, 6385, 12278 OF 2011, CIVIL APPEAL NO. 3095 OF 2011, S.L.P. © NOS. 25468 OF 2011 AND 1098 OF 2013

WITH

INTERLOCTORY APPLICATION NO. 1

(Application for condonation of delay in filing the SLP in S.L.P © No. 17639 of 2010 and 25468 of 2011)

Commissioner of Central Excise, Mumbai

...Appellant

-Versus-

M/s Vikram Ispat Ltd. Etc.

...Respondents

OFFICE REPORT

CIVIL APPEAL NOS. 1546 AND 2435 OF 2008

It is submitted that service of notice of lodgment of petition of appeal is complete as sole respondent common in both the matters is represented through Mr. Rajan Narain, Advocate.

It is further submitted that counsel for the appellant has filed statement of case in both the matters. Copies of the same have been included in the paper books.

CIVIL APPEAL NO. 1548 of 2008

It is submitted that service of notice of lodgment of petition of appeal is complete as the sole Respondent is represented through Mr. M.P. Devanath, Advocate.

It is further submitted that counsel for the appellant has filed statement of case. Copy of the same has been included in the paper books.

CIVIL APPEAL NOS. 4435 AND 6759 OF 2009

It is submitted that service of notice of lodgment of petition of appeal is complete as sole respondent in both the appeals is represented through Mr. E.C. Agrawala, Advocate and has filed counter affidavit. Copies of the same have been included in the paper books.

It is further submitted that counsels for parties of both side have filed statement of case. Copies of the same have been included in the paper books.

S.L.P. © No. 17639 of 2009

The matter was listed before the Hon'ble Court on 20th July, 2009, when the Court was pleased to pass the following order:-

“Issue notice.”

Accordingly, show cause notice was issued to the sole respondent through courier service. Courier receipt duly signed and stamped has been received back from the sole respondent. No one has entered appearance so far on behalf of the sole respondent.

The matter was again listed on 7th December, 2009, when the following order was passed:-

“Tag with Civil Appeal arising out of S.L.P. © No. 6310 of 2007.”

CIVIL APPEAL NO. 8095 OF 2010

It is submitted that service of notice of lodgment of petition of appeal is complete as A.D. Card duly signed and stamped has already been received back from the sole respondent but no one has filed Vakalatnama/Appearance on behalf of the sole respondent so far.

It is further submitted that counsel for the appellant has filed statement of case. Copy of the same has been included in the paper books.

S.L.P. © No. 35224 of 2010

The matter was listed before the Hon'ble Court on 6th December, 2010, when the Court was pleased to pass the following order:-

“Delay condoned.

Issue notice.

Tag the instant petition along with Civil Appeal No. 1546 of 2008.”

It is submitted there are two respondents Mr. M.P. Devanath, Advocate has filed Vakalatnama/Appearance on behalf of respondent No. 1 but he has not filed counter affidavit so far. No one has filed Vakalatnama/Appearance on behalf of respondent No. 2 though served with notice.

S.L.P. © No. 478 and 481 of 2011

The matters were listed before the Hon'ble Court on 4th January, 2011, when the Court was pleased to pass the following order:-

“Delay condoned.

Issue notice.

Tag the instant petition along with Civil Appeal No. 1546 of 2008.”

It is submitted that show cause notice was issued to the sole respondent in both the matters through Regd. A.D. Post. Mr. M.P. Devanath, Advocate has filed Vakalatnama/Appearance on behalf of the sole respondent in both matters but he has not filed counter affidavit so far.

S.L.P. © No. 6385 of 2011

The matter was listed before the Hon'ble Court on 22nd February, 2011, when the Court was pleased to pass the following order:-

“Delay condoned.

Issue notice.

Tag the instant petition along with Civil Appeal No. 1546 of 2008.

Mr. Pawan Shree Agrawal, the learned counsel waives service of notice on behalf of respondent No. 1.”

It is submitted that there are two respondents. Show cause notice was issued to both the respondents Mr. M.P. Devanath, Advocate has filed Vakalatnama/Appearance on behalf of respondent No. 1 but he has not filed counter affidavit so far.

It is further submitted that notice has been served on respondent No. 2 through District Court but no one has filed Vakalatnama/Appearance so far.

S.L.P. © No. 12278 of 2011

The matter was listed before the Hon'ble Court on 15th April, 2011, when the Court was pleased to pass the following order:-

“Delay condoned.

Issue notice.

Tag the instant petition along with Civil Appeal No. 1546/2008.”

Accordingly, show cause notice was issued to sole respondent through Regd. A.D. Post. Mr. M.P. Devanath, Advocate has filed Vakalatnama/Appearance on behalf of sole respondent but he has not filed counter affidavit so far.

CIVIL APPEAL NO. 3095 OF 2011

It is submitted that service of notice of lodgment of petition of appeal in the matter above-mentioned is complete on the sole respondent by way of certificate of service received from the High Court which shows that notice has been served on 29th July, 2011, but no one has filed Vakalatnama/Appearance on behalf of the sole respondent so far.

It is further submitted that counsel for the appellant has filed statement of case. Copy of the same has been included in the paper books.

S.L.P. © No. 25468 of 2011

The matter was listed before the Hon'ble Court on 29th August, 2011, when the Court was pleased to pass the following order:-

“Issue notice on the application for condonation of delay as well as on the special leave petition.

Tag the instant matter alongwith SLP(C) No. 35224 of 2010 and C.A. No. 1546 of 2008.”

Accordingly, show cause notice was issued to sole respondent through Regd. A.D. Post. Mr. Somiran Sharma, Advocate has filed Vakalatnama/Appearance on behalf of sole respondent but he has not filed counter affidavit so far.

S.L.P. © No. 1098 of 2013

The matter was listed before the Hon'ble Court on 3rd January, 2013, when the Court was pleased to pass the following order:-

“Delay condoned.

Issue notice.

Since it is stated that the issue raised in this S.L.P. is pending before this Court in Civil Appeal No. 3095 of 2011, tag this matter with C.A. No. 3095 of 2011.”

Accordingly, show cause notice was issued to sole respondent Mr. Praveen Kumar, Advocate has filed Vakalatnama/Appearance on behalf of the sole respondent and has also filed counter affidavit. Copy of the counter affidavit has been included in the paper books.

The matters above-mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 27th day of October, 2015.

ASSISTANT REGISTRAR

Copy to :

- 1 Mr. B.K. Prasad, Advocate
Central Agency Section.
- 2 Mr. M. P. Devanath, Advocate
5, Link Road, Jangpura Extn., New Delhi-14
- 3 Mr. Rajan Narain, Advocate
A-141, Defence Colony, New Delhi-110024.
- 4 Mr. Praveen Kumar, Advocate
- 5 Ms. Sumiran Sharma, Advocate

ASSISTANT REGISTRAR