

SECTION XVII

MATTER FOR : 20.01.2017
COURT NO. : 5
ITEM NO. : 50

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8851-8853 OF 2015

WITH

INTERALOCUTORY APPLICATION NOS. 4-6 OF 2016

(application seeking permission to substitute the Respondent No. 7
with ATC Telecom Infrastructure Private Limited.)

Cellular Operators Association of India ... Appellant

VERSUS

Praveen Patkar & Ors. ... Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 16th October, 2015, when the Court was pleased to pass the following Order:-

"Permission to file appeal is granted.

Notice.

There shall be stay of the operation of the impugned judgment(s) and order(s) passe by the Learned Green Tribunal, Central Zone Bench, Bhopal in Original Application No. 320/15(CZ) dated 28.05.2015 and Review Application No. 06/015 and M.A. No. 415 of 2015 dated, 13.08.2015."

Accordingly, show cause notice was issued to all the seven respondents(Common) through registered A.D Post. M/s Piyush Sharma, and Merusagar Samantaray, Advocates have filed vakalatnama and counter affidavit on behalf of Respondent Nos. 5 and 6 respectively.(Copy of the counter affidavit included in the paper book) and Mr. Anup Jain, Advocate has filed vakalatnama on behalf of Respondent No. 4 but he has not filed counter affidavit so far. Respondent Nos. 1 to 3 have been served through registered A.D Post but no one has entered appearance on behalf of them so far.

It is further submitted that Mr. Puneet Taneja, Advocate filed

vakalatnama on behalf of Respondent No. 7 and Counter affidavit after the opportunity was declined by Ld. Registrar Court. However, the same is included in the paper book.

It is further submitted that Mr. Puneet Taneja, Advocate for Respondent No. 7 has on 7.12.2016 filed application seeking permission to substitute the Respondent No. 7 with ATC Telecom Infrastructure Private Limited, which is registered as I.A Nos. 4 - 6 of 2016 (Separate volumes circulated herewith)

The matters were lastly listed before the Ld. Registrar Court on 24th October, 2016, when the following Order was passed:-

"None appears for respondent Nos. 1 to 3, despite due service.

Respondent No. 5 has already filed the counter affidavit.

Respondent No. 7 has also filed counter affidavit but after the opportunity was declined. Registry to make a specific mention in the office report at the time of listing.

One week's time, as last opportunity, is granted to respondent No. 6 for filing counter affidavit.

Registry to process the matter for listing before the Hon'ble Court immediately after the expiry of the period of one week, irrespective of the fact whether counter affidavit on behalf of respondent No. 6 is filed or not."

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

DATED THIS THE 18TH DAY OF JANUARY, 2017.

ASSISTANT REGISTRAR

Copy to: Mr. Navin Chawla, Advocate
Mr. Puneet Taneja, Advocate
Mr. Anup Jain, Advocate
Mr. Meru Sagar Samantray, Advocate
Mr. Piyush Sharma, Advocate

ASSISTANT REGISTRAR