

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).16838-16874/2009

COMMR.OF CUSTOMS,T.NADU

Petitioner(s)

VERSUS

M/S EDHAYAM FROZEN FOODS & ORS.

Respondent(s)

(With prayer for interim relief)

WITH
SLP(C) NO. 21839-21840 of 2010
(With office report)

Date: 19/07/2011 These Petitions were called on for hearing today.

For Petitioner(s)

Mr H.K.Naik, Adv.
Mrs Anil Katiyar,Adv.

For Respondent(s)

Mr. R. Nedumaran,Adv.
Mrs. Sudha Gupta ,Adv
Mr. Rajan Narain ,Adv

UPON hearing counsel the Court made the following
O R D E R

The ld. Advocate for the petitioner says that they will take necessary steps within four weeks. However, he is not aware and certain about the steps to be taken. Court's order to issue notice is dated 13.7.2009. Repeatedly matter was adjourned for confirming service of respondents. At least on

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some occasion petitioner has failed to pay process fee in time. By order dated 10.5.2010 the Hon'ble Chamber Judge has permitted to pay process fee for present unserved respondent

being respondent No.26 and 29 with a condition to deposit Rs.2000/- as cost. Even thereafter there was delay in payment of process fee which was condoned by order dated 19.11.2010 passed by Hon'ble Judge in Chamber. Even thereafter as on date at least respondent Nos. 26 and 29 remain unserved. Petitioner has filed proof of service on 25.5.2011. Before that registry has on 1.3.2011 and also on 26.5.2011 invited the petitioner to disclose outcome of dasti service on record. The main disturbing position on record is proof of service as filed by the petitioner on 25.5.2011 wherein an affidavit of one Mr S.V.Rameshwara Rao stated to be Presiding Officer of the Custom(Legal Section) is filed. In such affidavit deponent has made a statement that as per direction of Assistant Commissioner of Customs notice was served on the following companies, one M/s Kedar Exports Pvt. Ltd(Respondent No.24), M/s Victoria Marine and Agro Products Ltd.(Respondent No.26) and M/s Star Agro Marine(respondent No.29). However, with such affidavit though four pages of acknowledgment has been filed, the endorsement for respondent nos. 26 and 29 are not proper in as much as for such respondent, it is not confirmed that it is the same company which is before this Court. If such respondent has changed their name, it is the duty of the concerned litigant i.e., both the petitioner and the

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concerned respondent to disclose such fact on record at the earliest.

In view of the above facts, petitioner is directed to file proper proof of service or to take appropriate steps so far as respondent Nos. 26 and 29 are concerned.

List on 9.8.2011.

(S.G.SHAH)
Registrar

hj