

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL © NOS. 15253 AND 18646-19117 OF  
2015  
WITH  
PRAYER FOR INTERIM RELIEF

State of Karnataka .....Petitioner

-Versus-

M/s C.R. Gujar, Etc. ....Respondents

OFFICE REPORT

S.L.P. © NO. 15253 OF 2015

The matter above-mentioned was listed before the Hon'ble Court on 8<sup>th</sup> May, 2015 when the Hon'ble Court was pleased to pass the following order:-

**“Delay condoned  
Notice.  
Tag with Civil Appeal No. 4318 of 2007.”**

Accordingly, show cause notice was issued to sole respondent on 7<sup>th</sup> August, 2015 through Regd. A.D. Post. M/s Nuli & Nuli, Advocates have on 21<sup>st</sup> September, 2015 filed Vakalatnama/Appearance on behalf of the sole respondent.

It is submitted that the office report with regard to not filing of counter affidavit was listed before the Ld. Registrar's Court from time to time and lastly on 26<sup>th</sup> February, 2016, when the following order was passed:-

**Despite last opportunity having been granted, sole respondent has not filed counter affidavit. As such, further opportunity is declined.**

**The matter stands complete.**

**Registry to process the same for listing before the Hon'ble Court, as per rules.”**

It is submitted that counsel for the sole respondent has not filed counter affidavit so far.

S.L.P. © NOS. 18646-19117 OF 2015

The matters above-mentioned were listed before the Hon'ble Court on 8<sup>th</sup> July, 2015, when the Court was pleased to pass the following order:-

**“Delay condoned.  
Notice.  
Tag with S.L.P. © Nos. 10081-10124/2015”**

Accordingly, show cause notice was issued to all the 48 respondents on 18<sup>th</sup> August, 2015, through registered A.D. Post. Mr. Vikash Mehta, Advocate has on 4<sup>th</sup> September, 2015, filed Vakalatnama/Appearance on behalf of respondent No. 23, Mr. Mohit Chaudhary, Advocate has on 8<sup>th</sup> September, 2015 filed Vakalatnama/Appearance on behalf of respondent Nos. 3, 17 & 34, Mr. Anup Kumar, Advocate has on 28<sup>th</sup> September, 2015 filed Vakalatnama/Appearance on behalf of respondent No. 40, M/s. K.J. John & Co., Advocates have on 5<sup>th</sup> October, 2015 filed Vakalatnama/Appearance on behalf of respondent Nos. 35 & 36 and Ms. Divya Roy, Advocate has on 29<sup>th</sup> October, 2015 filed Vakalatnama/Appearance on behalf of respondent No. 39. Mr. M.P. Devanath, Advocate has on 3<sup>rd</sup> December, 2015 filed Vakalatnama/Appearance on behalf of respondent No. 44, Mr. V. Shyamohan, Advocate has on 6<sup>th</sup> January, 2016 filed Vakalatnama/Appearance on behalf of respondent Nos. 27, 30 & 32, Mr. E.C. Agrawala, Advocate has on 28<sup>th</sup> January, 2016 filed Vakalatnama/Appearance on behalf of respondent No. 10, Mr. T.V. Ratnam, Advocate has on 28<sup>th</sup> March, 2016 filed Vakalatnama/Appearance on behalf of respondent No. 45, Mr. Raghavendra S. Srivatsa, Advocate has on 9<sup>th</sup> April, 2016 filed Vakalatnama/Appearance on behalf of respondent Nos. 1, 8 and 24, and Mr. Vikas Upadhyay, Advocate has on 16<sup>th</sup> April, 2016 filed Vakalatnama/Appearance on behalf of respondent No. 26. Counsel for the petitioner has filed Affidavit of service alongwith proof of service in respect of respondent Nos. 6, 7, 12, 19, 20, 28, 29, 31, 33, 37, 38, 41 and 42 but no one has filed Vakalatnama/Appearance on behalf of the said respondents so far. A. D. Card duly signed has been received back from respondent Nos. 2, 9, 13, 14, 16, 18, 22, 25, 46 & 47 but no one has filed Vakalatnama/Appearance on behalf of the said respondents so far. Counsel for respondent No. 40 has on 27<sup>th</sup> November, 2015 filed counter affidavit and the copies of the counter affidavit have been included in the paper books.

It is submitted that the Office Report with regard to service position was listed before the Ld. Registrar's Court from time to time and again on 28<sup>th</sup> January, 2016, when he was directed to take fresh steps for service of notice on the unserved respondents. Accordingly fresh show cause notice was issued on 1<sup>st</sup> March, 2016 to the unserved respondents.

It is further submitted that the said matters were mentioned before the Hon'ble Court on 1<sup>st</sup> April, 2016, when the Court was pleased to pass the following order:-

**“The file of the instant petitions, viz., SLP © Nos. 18646-19117 of 2015 be sent to the Court along with Civil Appeal No. 4149 of 2007 listed on 04<sup>th</sup> April, 2016.”**

It is submitted that the said matters were placed along with Civil Appeal No. 4149 of 2007, before the Hon'ble Court, when the Court was pleased to pass the following order in Civil appeal No. 4149 of 2007 and other connected matters :-

**“During the course of arguments, learned senior counsel appearing for the appellant has drawn our attention to a recent judgment of the High court of Karnataka in the case of 'State of Karnataka v. Reddy Structures Private Limited' and submits that in the said judgment, the High Court has taken a view which is contrary to the view taken by the High Court in the instant appeals. It is also pointed out that the State of Karnataka has filed special leave petitions against the said judgment being SLP © Nos 18646-19117 of 2015.**

**It would be in the fitness of things if those petitions are also heard along with these appeals. It is acceptable to the counsel for all the parties. We, thus, defer further hearing in these appeals to 18<sup>th</sup> April, 2016 when SLP © Nos. 18646-19117 of 2015 shall also be listed along with these appeals.”**

It is again submitted that office report was lastly listed before the Ld. Registrar's Court on 12<sup>th</sup> April, 2016, when the following order was passed:-

**“Respondent nos. 1, 8, 10, 24, and 45 are granted four weeks time for filing counter affidavit.**

**Last opportunity of three weeks is granted for filing application for amendment of cause title in terms of the previous order.**

**None appears for respondent nos. 6, 7, 19, 20, 27, 28 and 29 despite due service.**

**Last opportunity of two weeks is granted for furnishing fresh address for service of respondent nos. 5, 11, 15 and 43. Notices thereafter be issued.**

**Await service of respondent nos. 4, 7, 15, 21 and 45.**

**Despite last opportunity granted, respondent nos. 3, 17, 23, 27, 30, 32, 34 to 36, 39 and 44 have not filed counter affidavit. Further opportunity is declined.**

**Service of remaining respondents is complete but none has entered appearance.**

**Ld. Counsel , Ms. Neha Agarwal appearing on behalf of Mr. E.C. Agrawala, Advocate-on-record undertakes to file vakalatnama and counter affidavit on behalf of respondent nos. 37 and 47. Be filed within four weeks time.**

**List again on 27.7.2016.”**

It is submitted that as per Order of the Ld. Registrar dated 12<sup>th</sup> April, 2016, Counsel for the represented respondents have not filed counter affidavit so far.

It is lastly submitted that the service of notice is complete on all the respondents except 4, 5, 11, 15, 21 and 43.

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

Dated this the 21<sup>st</sup> day of April, 2016.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. V.N. Raghupathy, Advocate  
15, Lawyers Chambers,
2. M/S Nuli & Nuli, Advocates,  
123, Lawyers chamber.
3. Mr. Vikas Mehta, Advocate  
59, Lawyer's Chamber.
4. Mr. Mohit Chaudhary, Advocate  
E-45, Lajpat Nagar – I,  
New Delhi - 24.
5. Mr. Anup Kumar, Advocate  
41, Old Lawyer's Chamber.
6. Ms. Divya Roy, Advocate  
Q-16-B, Jangpura Extn.,  
New Delhi – 14.
7. M/s. K.J. John & Co., Advocates  
428, M.C. Setalvad Lawyer's Chamber.
8. Mr. M.P. Devanath, Advocate  
5, Jangpura Extn., Link Road,  
New Delhi – 110 014.
9. Mr. V. Shyamohan, Advocate  
A-1/62, LGF, Safdurjung Enclave,  
New Delhi – 29.
10. Mr. E.C. Agrawala, Advocate  
48, Lawyer's Chamber.
11. Mr. T.V. Ratnam, Advocate  
129, M.C. Setalvad Lawyer's Chamber.
12. Mr. Raghavendra S. Srivatsa, Advocate  
105, Old Lawyer's Chamber.
13. Mr. Vikas Upadhyay, Advocate  
115, Old Lawyer's Chamber.

ASSISTANT REGISTRAR