

SECTION-XVII
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5465 and 2937 of 2014

With

CIVIL APPEAL NO. 4859-60 of 2015

THE CHIEF FINANCIAL CONTROLLER/GENERAL,
TAMIL NADU GENERATION AND DISTRIBUTION ETC

...Appellant(s)

VERSUS

GANGADHAR NARSINGDAS AGRAWAL & ANR. ETC

...Respondent(s)

OFFICE REPORT

CIVIL APPEAL NO. 5465 and 2937 of 2014

It is submitted that the above matters were listed before Hon'ble Court on 17.04.2014 when the court was pleased to pass inter-alia the following order:

"Delay condoned.

We have heard learned counsel for the parties.

We issue notice returnable in six weeks only on the question whether the rate of interest awarded by the Regulatory Commission and against the appellant as upheld by the Appellate Tribunal can be reduced from 12 per cent to 6 per cent.

In the meanwhile there shall be stay of contempt proceedings for violation of the impugned order."

It is submitted that notice was issued to both the respondents in Civil Appeal No. 5465 of 2014 and to all the 12 respondents in Civil Appeal no. 2937 of 2014. Mr. Vikas Mehta, Advocate has entered vakalatnama on behalf of respondent no. 1 in Appeal no. 5465 of 2014. Mr. Senthil Jagadeesan, Advocate has entered appearance on behalf of respondent no. 1 and 6 and Duly signed A.D. card has been received for respondent no. 2 to 5 and 7 to 11 in Appeal No. 2937 of 2014 . **Service is incomplete in respondent no. 2 on Civil Appeal no. 5465 of 2014 and on respondent no. 12 in Civil Appeal no. 2937 of 2014.**

It is further submitted that the above matters were listed before Ld. Registrar Court on 17.02.2015 when the Court was pleased to pass the following order:

C.A. No. 5465/2014

Learned counsel for the respondent No.1 shall be at liberty to file the counter affidavit, if any within a period of three weeks.

C.A. No. 2937/2014

Despite last opportunity learned counsel for the appellants has not taken steps in respect of the respondent No.2 in C.A. No. 5465/2014 and Respondent No. 12 in C.A No. 2937/2014. Registry to process the matter before the Hon'ble Judge in Chambers for further directions."

The above matters were then listed before Hon'ble Judge in Chambers on 07.05.2015 when the Court was pleased to pass the following order:

"As prayed, two weeks' time is granted to comply with the Office Report."

It is further submitted that Counsel for the appellant has on 12.05.2015 filed copy of the petition for issuance of notice to the unserved respondents. Fresh notice was issued on 11.06.2015 to respondent no. 2 in Civil Appeal no. 5465 of 2014 and respondent no. 12 in Civil Appeal no. 2937 of 2014 through registered A.D along with Dasti through Trial Court. Neither A.D. Card nor unserved cover have been received back in respect of the aforesaid respondents. Counsel for the appellant has not filed affidavit of Dasti service in the matter so far. **Service is incomplete on respondent no. 2 in Civil Appeal no. 5465 of 2014 and on respondent no. 12 in Civil Appeal no. 2937 of 2014.**

It is lastly submitted that Mr. Senthil Jagadeesan, Advocate has on 12.04.2016 filed application for early hearing in Civil Appeal No. 2937 of 2014 which is registered as I.A. No. 4 of 2016 and is updated to be listed before the Hon'ble Court.

CIVIL APPEAL NO. 4859-60 of 2015

The matters above-mentioned were listed before Hon'ble Court on 01.04.2015 when the court was pleased to pass inter-alia the following order:

"Delay in filing the appeal is condoned subject to payment of Rs. 1,000/-, as costs, with the Supreme Court Employees' Mutual Welfare Fund, within four weeks from today. Subject to compliance of the said condition, issue notice. Tag with C.A.D. No. 3027 of 2013."

It is submitted that Counsel for the appellant has deposited the costs of Rs. 1,000/- with the Supreme Court Employees' Mutual Welfare Fund. Notice was issued to both the common respondents in the matter through registered A.D. Mr. Shantanu Kumar, Advocate has on 15.09.2015 entered vakalatnama on behalf of common respondent no. 1, but has not filed counter affidavit. Duly signed A.D. card has been received for common respondent no. 2 but no one has entered vakalatnama on its behalf. Service is complete in the matter.

The matters above-mentioned are listed before the Ld. Registrar Court with this Office report.

DATED THIS THE 27th DAY OF APRIL, 2016

ASSISTANT REGISTRAR

Copy to: Mr. B. Balaji, Advocate
Mr. Vikas Mehta, Advocate
Mr. Senthil Jagadeesan, Advocate
Mr. Shantanu Kumar, Advocate

ASSISTANT REGISTRAR