

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 8557 OF 2015

WITH

INTERLOCUTORY APPLICATION NO. 1

[Application for condonation of delay in filing petition of appeal]

Commissioner of Central Excise, Vadodara-II ...Appellant(s)

-Versus-

M/s. General Motors India Pvt. Ltd. ...Respondent(s)

OFFICE REPORT

The matter was listed before the Hon'ble Court on 12<sup>th</sup> October 2015 , when the Hon'ble Court was pleased to pass the following orders:

**“Issue notice on the application for condonation of delay in filing the appeal as well as on appeal.”**

Accordingly, Show Cause Notice was issued on 30<sup>th</sup> October 2015 to the Sole Respondent through Registered Post A.D. Mr. M.P. Devanath, Advocate has on 26<sup>th</sup> November 2015 filed Vakalatnama/ Appearance on behalf of Sole Respondent, but he has not filed Counter Affidavit so far.

It is submitted that Office Report with regard to non-filing of Counter Affidavit was listed before Ld. Registrar Court on 27<sup>th</sup> November 2015 and lastly on 5<sup>th</sup> February 2016, when the following order was passed:

**“Four weeks time as last chance is given to the sole respondent to file the counter affidavit.  
List the matter again on 28.03.2016.”**

It is further submitted that Counsel for the Sole Respondent has not filed Counter Affidavit so far.

It is further submitted that Counsel for the Appellant has not filed Deficit Court Fee despite undertaking given by him in the petition of appeal (at Page 23).

It is lastly submitted that the Civil Appeal above-mentioned was mentioned before the Hon'ble Court on 18<sup>th</sup> March 2016 when the Court was pleased to pass the following order:

**“To be tagged with C.A. No.2562 of 2008.”**

The matter alongwith application above-mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 19<sup>th</sup> day of March, 2016.

ASSISTANT REGISTRAR

Copy to:

1. Mr. B.K. Prasad, Advocate  
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2. Mr. M.P. Devanath, Advocate  
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ASSISTANT REGISTRAR

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