

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

I.A.NO.3 & 4 IN Petition for Special Leave to Appeal(C) No.5947/2006

INDIAN OIL CORPN. LTD. Petitioner(s)

VERSUS

BHATIA & SONS & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP,substituted service)

Date: 06/07/2010 This Petition was called on for hearing today.

For Petitioner(s)

Mr Harkesh Chand Aggarwal, Adv.
Mr. H.K. Puri,Adv.

For Respondent(s)

Dr. Sushil Balwada,Adv.

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

It is unfortunate that the Advocates appearing before this Court are not aware of the factual aspects of the matter.

In the present petition which is pending since the year 2006, respondent no.6 is not yet served.

On verification of the record, it is found that respondent No.6 is Union of India through Department of Energy, Atomic Minerals Division, whereas petitioner is Indian Oil Corporation.

Therefore, it could be very easy for the petitioner to confirm service on unserved respondent No.6, which is not done for all these four years.

Item No.3

It is also unfortunate that after serving remaining unserved respondent Nos. 3 and 4, petitioner has failed to file proof of public notice.

Record shows that service on unserved respondents by public notice is pending at least since 7.5.2008.

Order of the Hon'ble Judge in Chambers dated 27.3.2009 reads as under:

' The petitioner has not filed application for condoning the delay in filing the substituted service in regard to unserved respondent Nos. 3,4 and 6. Four weeks' time is granted for doing the needful, failing which application for substituted service shall stand rejected for non-prosecution.'

Whereby it is specifically directed that if needful is not done within four weeks, the application shall stand rejected for non-prosecution.

In view of the above facts, matter may be listed before the Hon'ble Judge in Chambers for non-prosecution against unserved respondent Nos. 3,4 and 6.

(S.G. SHAH)
Registrar

hj