

LISTED ON : 16-9-2014

COURT NO. : 8

ITEM NO. : 6

SECTION XII-A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(C) No. 16237 of 2013.

WITH
PRAYER FOR INTERIM RELIEF

PRINCIPAL ACCOUNTANT GEN. (AUDIT) & ANR.

..PETITIONERS

-VERSUS-

B. CHANDRASEKHARA RAO & ORS.

..RESPONDENTS

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 18th April, 2013, when the Hon'ble Court was pleased to pass the following order :-

“Exemption allowed.

Delay condoned.

In view of the law laid down by this Court in the case of Chief General Manager, Telecom, BSNL and Another vs. K.J. George and Others, reported in 2008 (14) SCC 699, we issue notice, returnable within six weeks.

Until further orders, the impugned order as also the contempt proceedings shall remain stayed.”

Subsequently, the matter above-mentioned was listed before the Hon'ble Court on 10th July, 2014, when the Court was pleased to pass the following order :-

“Learned counsel for the petitioner undertakes to file fresh requisites for effecting service on the unserved respondents. Let it be done within a week hence. Registry shall fix a returnable date within six weeks therefrom.

The matter be listed after eight weeks.”

It is submitted to the Hon'ble Court that Mr. D.S.Mahra, counsel for the Petitioners has not taken steps for effecting steps on unserved respondent nos. 2 to 6, 10 and 13, in terms of the order of this Hon'ble Court dated 10th July, 2014.

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It is further submitted that there are 16 Respondents in the matters. Mr. V. R. Anumolu, Advocate has entered appearance on behalf of respondent nos. 1, 12 and 16 but he has not filed counter affidavit so far. Service is complete on Respondent No. 15, through AD card as also through the lower court, but no one has entered appearance so far. Neither AD card nor unserved registered cover has been received from Respondent Nos. 5 and 6 and period of more than 30 days has expired. Unserved cover has been received from Respondent No. 4 with postal remarks "Party Expired hence returned to sender", and remark from High Court that "No such person residing at the given address."

It is also submitted that Mr. D.S.Mahra, counsel for the Petitioner has on 13th January, 2014 filed affidavit of service stating therein that notice has been served on respondent no. 14 but he has not filed proof of service, but High Court remark is that "not residing at given address."

It is further submitted that High Court vide its letter dated 25th September, 2013 has stated that show cause notices have been served on Respondent Nos. 1, 7 to 9, 11, 12, 15 and 16 through Chief Judge City Small Causes Court, Hyderabad but notices issued to Respondent Nos. 2, 3, 4, 5, 6, 13 and 14 have been returned unserved with following process server's report :

Respondent No. 2	out of India.
Respondent No. 3	Died.
Respondent No. 4, 5, 6	No such person residing at the given address.
Respondent No. 13	Vacated the house.
Respondent No. 14	Not residing at given address.

Service is therefore not complete on the said respondents.

The aforesaid matter is listed before the Hon'ble Court with this office report.

Dated this, the 15th day of September, 2014.

DEPUTY REGISTRAR

Copy to:-

1. Mr. D.S. Mahra, Advocate
2. Mr. V. R. Anumolu, Advocate

DEPUTY REGISTRAR