

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3947, 3948 OF 2013, S.L.P. (C) Nos. 17236, 22378-22379, 22380, 22817, 23028-23030 and 23659 OF 2013 AND CIVIL APPEAL NO. 9332 and 10998 OF 2013, C.A. Nos. 1231-1232, 1237 OF 2014, SLP (C)No. 3344, 3342, 3341 OF 2014, CIVIL APPEAL NOS. 2761, 2762 and 2763 OF 2014, S.L.P. © No.6687 OF 2014, CIVIL APPEAL NO.4488 OF 2014, S.L.P.(C) NOS.10273 OF 2014 and 11958 of 2014, CIVIL APPEAL NOS. 6814, 6813 OF 2014 AND 3949 OF 2013 AND S.L.P. ©. No.3340 of 2014.

WITH

INTERLOCUTORY APPLICATION NO. 3

(Application for intervention in Civil Appeal No. 3949 of 2013)

COMMISSIONER OF CENTRAL EXCISE,
& etc. etc.

.....Appellants

-Versus-

M/S. STERLING GELATINE & etc. etc.

.....Respondents

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 18th September, 2014 alongwith Civil Appeal Nos. 3035-3036 of 2011 and other connected matters when the Court while disposing of the Civil Appeal Nos. 3035-3036 of 2011 and some of the connected matters, inter alia pass the following order in respect of above-said matters:-

“Released from part-heard.

**Issue fresh notice to all the unserved respondents,
returnable on 11th November, 2014.”**

A copy of Record of Proceedings and signed order dated 18th September, 2014 passed in Civil Appeal Nos.3035-3036 of 2011 is enclosed herewith.

CIVIL APPEAL Nos. 3947 and 3948 OF 2013:

Service of notice is complete and respondents are represented through Advocates.

Original record has been received from the High Court in these appeals. Counsel for the appellant has filed statement of case only in C.A. No. 3947 of 2013.

SLP (C) No. 17236 OF 2013:

Service of notice is complete as the sole respondent is represented through Mr. Rajesh Kumar, Advocate.

It is further submitted that Counsel for the petitioner has not filed an application for amendment of cause title along with certificate of incorporation as the respondent company's name has been changed from M/s. Kisan Sahakari Chini Mills Ltd., to M/s. U.P. Sahakari Chini Mills Sangh Ltd.

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

SLP (C) Nos. 22378-22379 of 2013:

It is submitted that fresh show cause notice was issued on 30th October, 2014 to unserved respondent No. 2 returnable on 11th November, 2014 by registered A.D. Post. Service of notice in respect of respondent No. 2 is awaited.

It is further submitted that counsel for respondent Nos. 1 and 3 has not filed counter affidavit so far.

SLP (C) No. 22380 of 2013:

It is submitted that counsel for the petitioner has not filed process fee/copy of SLP for issue of fresh show cause notice to unserved sole respondent despite this Registry's request.

SLP (C) NO. 22817 OF 2013:

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

SLP (C) No. 23028-23030 OF 2013:

It is submitted that fresh show cause notice was issued on 30th October, 2014 to unserved respondent No. 2 returnable on 11th November, 2014 by registered A.D. Post. Service of notice in respect of respondent No. 2 is awaited.

It is further submitted that counsel for the respondent No. 1 and 3 has not filed counter affidavit so far.

SLP © NO. 23659 OF 2013:

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

CIVIL APPEAL No. 9332 OF 2013:

In the above matter, service of notice is complete and sole respondent is represented through Mr. Vinay Garg, Advocate. Original record has been received and counsel for the appellant has filed statement of case. Copy of the same has been included in the paper books.

CIVIL APPEAL No. 10998 OF 2013

The matter above mentioned was listed before the Hon'ble Court on 6th December 2013, when the Court was pleased to pass the following order:

**"Delay condoned.
Leave granted.
Tag with C.A.No.3949 of 2013."**

Accordingly, notice of lodgment of petition of appeal was issued to the sole respondent through High Court on 1st February, 2014. Dr.Sushil Balwada, Advocate, has on 28th August, 2014, filed vakalatnama/appearance on behalf of the sole respondent. The name of the respondent's company shown as M/S Seksaria Biswan Sugar Factory (P) Ltd., in the cause title of the said appeal whereas in the vakalatnama/appearance it is shown as M/S Seksaria Biswab Sugar Factory Ltd., and the counsel for the petitioner has not filed an application for amendment of cause title so far.

CIVIL APPEAL Nos. 1231-1232 & 1237 OF 2014

The matters above mentioned were listed before the Hon'ble Court on 24th January, 2014, when the Court was pleased to pass the following order:

**"Delay condoned.
Leave granted.
Tag with Civil Appeal No.3949 of 2013."**

Accordingly, notice of lodgment of petition of appeal was issued to respondents in both the matters through High Court. High Court of Allahabad vide letter dated 26th February, 2014 has informed that service of notice is complete in Civil Appeal No.1231-1232 of 2014 on sole respondent on 25th February, 2014. However, no one has filed Vakalatnama/appearance so far.

Further, service of notice is complete in Civil Appeal No.1237 of 2014 on sole respondent on 27th February, 2014 and Mr. Manish K. Bishnoi, Advocate has on 16th September, 2014 filed Vakalatnama/appearance.

Original records have been received in both the appeals and counsel for the appellant has filed statement of case in both the matters.

SPECIAL LEAVE PETITION (C) Nos. 3340, 3344, 3342 and 3341 OF 2014

The matters above mentioned were listed before the Hon'ble Court on 27th January, 2014, when the Court was pleased to pass the following order:

**"Delay condoned.
Issue notice.
Tag with Civil Appeal No.3949 of 2013."**

SLP(C) No. 3340 of 2014

Accordingly, show cause notice was issued to the sole respondent by registered post on 7th February 2014. Mr.Parveen Kumar, Advocate has on 5th March 2014 filed vakalatnama/appearance on behalf of sole respondent. Service of notice is complete but no counter affidavit has been filed so far.

SLP(C) No. 3341 of 2014:

Accordingly, show cause notice was issued to the sole respondent by registered post on 7th February 2014. A D card duly signed and stamped has been received back from the sole respondent. Service of notice is complete but no one has filed vakalatnama/appearance on behalf of sole respondent so far.

SLP(C) No. 3342 and 3344 of 2014

Accordingly, show cause notice was issued to the sole respondent through Mr.Parveen Kumar, Advocate who has already filed caveat/appearance. Service of notice is complete but no counter affidavit has been filed so far.

CIVIL APPEAL Nos. 2761, 2762 and 2763 OF 2014

In the above-mentioned matters, service of notice is complete and Mr. Praveen Kumar, Advocate has filed vakalatnama/appearance on behalf of the sole respondent in all these matters. Common original record has been received from the High Court.

SLP (C) No. 6687 of 2014

It is submitted that Mr. Manish K. Bishnoi, Advocate has on 16th September, 2014 filed vakalatnama/appearance on behalf of sole respondent but has not filed counter affidavit so far.

CIVIL APPEAL No. 4488 OF 2014 (@ S.L.P. © No.2375/2014)

The matter above mentioned was listed before the Hon'ble Court on 07th April, 2014 when the Court was pleased to pass the following order:

**"Leave granted.
Tag with Civil Appeal No.3949 of 2013."**

It is submitted that notice was sent to High Court on 7th May, 2014 for service on sole respondent High Court vide letter dated 17th July, 2014 has informed that service is complete on sole respondent on 30th June, 2014 but no one has filed Vakalatnama/appearance so far.

Original record is awaited from High Court. However counsel for the Appellant has filed statement of case.

SLP (C) No. 10273 OF 2014:

It is submitted that both the respondents are represented through Mr. Praveen Kumar, Advocate. Counter affidavit has been filed by Respondent No.1 and the copies of the same have been included in the paper books.

It is further submitted counsel for respondent No. 1 has on 18th July, 2014 filed an application for permission to file additional documents and the same is registered as I.A. No. 2 and the copies of additional document is placed alongwith main SLP paper books.

SLP © No. 11958 of 2014:

The matter was listed before the Hon'ble Court on 21st April, 2014 when the Court was pleased to pass the following order:

“Delay Condoned.

Issue notice.

Tag with Civil Appeal No. 3949 of 2013.”

Accordingly, show cause notice was issued to the sole respondent on 5th June, 2014 by registered A.D. Post. Mr. Rupesh Kumar, Advocate has on 20th August, 2014 filed vakalatnama/appearance on behalf of sole respondent but has not filed counter affidavit so far.

CIVIL APPEAL Nos. 6814 and 6813 OF 2014

The matters were listed before the Hon'ble Court on 18th July, 2014, when the Court was pleased to pass the following order:-

“Delay condoned. Leave granted.

Tag with Civil Appeal No.3949 of 2013.”

Accordingly, notice of lodgment of Petition of Appeal was issued to sole respondent through High Court on 01st August, 2014 in Civil Appeal No.6814/2014 and on 05th August, 2014 in Civil Appeal no.6813/2014 **by Speed Post.**

It is also submitted that Mr. Praveen Kumar, Advocate has on 16th September, 2014 filed Vakalatnama on behalf of sole respondent in C.A. No.6814/2014. Further, sole respondent in C.A. No. 6813/2014 has been served through High Court on 20th August, 2014 but no vakalatnama/appearance has been filed so far.

CIVIL APPEAL No. 3949 OF 2013:

Service of notice is complete and respondent is represented through Advocate.

Original record has been received from the High Court. Counsel for the appellant has filed statement of case.

It is submitted that Mr. Praveen Kumar, Advocate for the sole respondent has on 15th July, 2014 filed application for intervention on behalf of the applicant viz: the Oudh Sugar Mills Ltd. in Civil appeal No. 3949 of 2013. The said application has been registered as I.A. No. 3. Copy of the said application has been tagged with main appeal paper books.

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

Dated this the 08th day of November, 2014.

ASSISTANT REGISTRAR

Copy to :-

1. Mr. B.K. Prasad, Advocate, Central Agency Section
2. Mr. M.P. Devanath, Advocate, B6/10, Safdarjung Enclave, New Delhi-110029
3. Ms. Bina Gupta, advocate, 103, new lawyers chamber
4. M/s. Karanjawala & Co., Advocates, 12th Floor, HT House, 18-20 K G Marg, New Delhi.
5. Mr. Rajesh Kumar, Advocate, 24 Pocket A, DDA Flats, Mount Kailash, East of Kailash.
6. M/s. Khaitan & Co., Advocates, 1105, Ashok Estate
7. Mr. Manish K. Bishnoi, Advocate, C-47, Nizamuddin East, New Delhi
8. Mr. Praveen Kumar, Advocate, 230, M.C. Setalvad Lawyers Chambers
9. Mr. Prakash Kumar, Advocate, 112, New Lawyers Chamber
10. Mr. Vinay Garg, Advocate, 102, C.K. Daphtary Block.
11. Dr.Sushil Balwada, Advocate.

ASSISTANT REGISTRAR