

SECTION IV B Listed on.02.08.2016
Court No.8
IN THE SUPREME COURT OF INDIA Item No.21
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS.
17238-17251, 14972, 15262, 15304, 17252, 17263-17276,
17277, 19608, 24007, 25217-25218, 27272 OF 2013, 6199 OF
2014, 16967 OF 2013, CC No. 16616 OF 2015 AND SLP(C) No.
31669-71 OF 2014.

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 1-3

(Application for condonation of delay in filing SLP in SLP(C) No. 31669/2014)

AND

INTERLOCUTORY APPLICATION NO. 4-6

(Application for condonation of delay in refiling SLP in SLP(C) No. 31669/2014)

AND

INTERLOCUTORY APPLICATION NO. 10

(Application for impleadment in SLP(C) No. 31669/2014)

AND

INTERLOCUTORY APPLICATION NO. 11

(Application for vacation of Stay in SLP(C) No. 31669/14)

AND

INTERLOCUTORY APPLICATION NO. 53

(Application for impleadment as party respondent in SLP (C) No. 17252 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 4, 6, 8 and 10

(Applications for direction in SLP(C) No. 14972/2013)

AND

INTERLOCUTORY APPLICATION NOS.1 and 2

(Application for condonation of delay in filing in SLP(C) CC No. 16616/2015)

Mini Bus Operators Association & Ors. Etc.

....Petitioner(s)

Versus

State of Punjab & Ors. Etc.

....Respondent(s)

OFFICE REPORT

SLP (C) Nos. 17238-51, 14972, 15262, 15304, 17252,
17263-76 AND 17277 OF 2013

The matters above mentioned were listed before the Hon'ble Court on 26.04.2013, when the Court was pleased

to pass the following order :-

" Permission to file Special Leave Petition is granted in S.L.P. (C) ...CC Nos.8847-8860, S.L.P. (C) ...CC Nos. 8898, S.L.P. (C) ...CC Nos. 9094, S.L.P. (C) ...CC Nos. 9282, S.L.P. (C) ...CC Nos. 9316, S.L.P. (C) ...CC Nos. 9286, S.L.P. (C) ...CC Nos.9405, S.L.P. (C) ...CC Nos. 9482, S.L.P. (C) ...CC Nos. 9484, S.L.P. (C) ...CC Nos.9498-9511, S.L.P. (C) ...CC Nos. 9756 of 2013.

Delay condoned.

Issue notice returnable in ten weeks.

Dasti, in addition to the ordinary process.

In the meanwhile, the operation of the impugned judgment shall remain stayed. However, it is made clear that only those permit holders whose permits are operative and currently valid, shall be entitled to operate their vehicles as per the permits."

Accordingly, show cause notice to all the respondents in all the matters was issued on 06.06.2013 through Regd. A.D. Post and by way of Dasti also.

SLP (C) No. 17238-51 of 2013

Service position in each matter is as under :-

| SLP No. | Total RRs. | V/A | Reply /C/A filed | AD/Dasti | Unserved | Remarks |
|----------------|------------|--|------------------|----------|----------|----------|
| 17238-17251/13 | | | | | | |
| 17238 | 5 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5 | - | Complete |
| 17239 | 6 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5-6 | - | Complete |

| SLP No. | Total RRs. | V/A | Reply /C/A filed | AD/Dasti | Unreserved | Remarks |
|---------|------------|--|------------------|----------|------------|----------|
| 17240 | 6 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5-6 | - | Complete |
| 17241 | 6 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5-6 | - | Complete |
| 17242 | 3 | 1-2(Mr. Kuldip Singh, Adv) | - | 3 | - | Complete |
| 17243 | 5 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5 | - | Complete |
| 17244 | 5 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5 | - | Complete |
| 17245 | 5 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5 | - | Complete |
| 17246 | 5 | 1-3(Mr. Kuldip Singh, Adv), 4(Mr. K.K. Mohan, Adv.) | 3 | 5 | - | Complete |
| 17247 | 3 | 1-2(Mr. Kuldip Singh, Adv) | - | 3 | - | Complete |
| 17248 | 3 | 1-2(Mr. Kuldip Singh, Adv) | - | 3 | - | Complete |
| 17249 | 3 | 1-2(Mr. Kuldip Singh, Adv) | - | 3 | - | Complete |
| 17250 | 3 | 1-2(Mr. Kuldip Singh, Adv) | - | 3 | - | Complete |
| 17251 | 3 | 1-2(Mr. Kuldip Singh, Adv) | - | 3 | - | Complete |

It is submitted that copies of counter affidavit have been included in the SLP paper book.

It is further submitted that contempt petition filed

by Ms. Rani Chhabra, counsel for the petitioner has been dismissed by Hon'ble Court vide order dated 08.07.2016.

It is further submitted that application for direction filed by Ms. Rani Chhabra, counsel for the petitioner has been dismissed vide Hon'ble Court's order dated 08.07.2016.

SLP (C) No. 14972 of 2013

It is submitted that at the time of filing SLP there were two respondents. Mr. Anis Ahmed Khan, Advocate has entered appearance on behalf of Respondent No. 1 and also filed counter affidavit. Copies of the counter affidavit has been included in the paper books. As per affidavit of Dasti Service filed by the counsel for the petitioner. Respondent No. 2 could not be served as there is no office of the said company and that site is locked.

Service of show cause notice is not complete impleadment respect of respondent No. 2.

It is further submitted that Respondent Nos. 3 and 4-7 are intervenor and impleaded as party respondents respectively and are represented through Advocate.

It is further submitted that Ms. Rani Chhabra, Advocate has filed I.A. Nos. 4, 6, 8 and 10 (Applications for direction) which were listed before the Hon'ble Court on 06.11.2015, when the Court was pleased to pass the following order :-

“ List the applications alongwith SLP.”

It is further submitted that counsel for the petitioner has not filed any proof of depositing the cost of Rs. 1000/- in Supreme Court Employees Mutual Welfare Fund and also not taken steps for service of show cause notice on Respondent No. 2 till date despite four weeks time as last opportunity granted by the Hon'ble Court (In

Chamber) vide order dated 13.07.2016.

SLP (C) No. 15262 of 2013

It is submitted that Dr. Monika Gusain, Advocate has on 16.12.2015 filed Vakalatnama and Memo of Appearance on behalf of both the respondents in this matter but has not filed counter affidavit till date despite four weeks time granted by Ld. Registrar.

Service of show cause notice is complete.

SLP (C) No. 15304 of 2013

Accordingly, show cause notice to all the four respondents was issued on 06.06.2013 through Regd. A.D. Post and by way of Dasti also. Mr. Kamal Mohan Gupta, Advocate then standing counsel for the State of Haryana has filed Vakalatnama and Counter Affidavit on behalf of Respondent Nos. 1 to 3. Copies of the same are included in SLP paper books.

It is submitted that the name of Respondent No. 4 has been deleted from the array of parties vide Hon'ble Court (In Chamber) order dated 03.11.2015.

Service of show cause notice is complete.

SLP (C) No. 17252 of 2013

It is submitted that there are five respondents in this matter. Mr. J.S. Chhabra, Advocate has filed Vakalatnama on behalf of Respondent Nos. 1 to 3 and has filed counter affidavit on behalf of Respondent Nos. 1 and 2 but has not filed counter affidavit on behalf of Respondent No. 3 so far. Copy of counter affidavit have been included in the SLP paper books. Mr. K.K. Mohan, Advocate has filed Vakalatnama on behalf of Respondent No. 4 but has not filed counter affidavit so far. AD

Cards duly signed have been received from Respondent No.5 but no one has entered appearance on behalf of Respondent No. 5 so far.

It is further submitted that Mr. Ashwani Kumar applicant has on 16.03.2015 filed application for impleadment to appear as party respondent. The same is registered as I.A. No. 53. (Copies of the same has been included in the SLP paper books).

It is further submitted that Mr. Binay Kr. Das, Advocate has on 17.04.2015 filed Vakalatnama on behalf of party respondent to be impleadment.

Service of show cause notice is complete.

The I.A. No. 53 of 2015 alongwith matter bove mentioned was listed before the Hon'ble Court (In Chamber) on 04.08.2015, when the Court was pleased to pass the following order :-

" Application for Impleadment be considered at the time of final hearing of special leave petition."

SLP (C) Nos.17263-76 of 2013

It is submitted that neither AD Cards nor unserved covers containing notice have been received back in respect of Respondent Nos. 5 and 6 in SLP (C) No. 17266 of 2013, Respondent No. 5 in SLP (C) Nos. 17268, 17269, 17270 of 2013, Respondent No. 3 in SLP (C) Nos. 17272, 17273 and 17276 of 2013 so far.

Service of show cause notice is not complete.

SLP (C) No. 17277 of 2013

It is submitted that there are 3 respondents in this matter & Dr. Monika Gusain, Advocate has on 05.10.2015 filed Vakalatnama on behalf of Respondent Nos. 1 and 2 but has not filed counter affidavit so far. Respondent

No. 3 has been served by way of Dasti.

Service of show cause notice is complete.

SLP (C) No. 19608 of 2013

The matter above mentioned was listed before the Hon'ble Court on 08.07.2013, when the Court was pleased to pass the following order :-

" Issue notice.

Dasti, in addition to the ordinary process, is permitted.

In the meanwhile, the operation of the impugned judgment shall remain stayed.

However, it is made clear that the petitioners shall be entitled to operate their vehicles only if their permits are operative and currently valid.

Connect with Special Leave Petition (Civil) No. 17254 of 2013."

It is submitted that Mr. K.K. Mohan, Advocate for Respondent No. 3 has not filed counter affidavit so far.

It is further submitted that SLP stands dismissed qua Respondent Nos. 1 and 2 vide Hon'ble Court (In Chamber) order dated 08.04.2016.

Service of show cause notice is complete.

SLP (C) No. 24007 of 2013

It is submitted that the matter is already listed before the Hon'ble Court (In Chamber) on 29.07.2016. Record of Proceeding is awaited.

SLP (C) Nos. 25217-18 of 2013

The matter above mentioned was listed before the Hon'ble Court on 05.08.2013, when the Court was pleased to pass the following order :-

" Delay condoned.

Issue notice.

Connect with S.L.P. (C) No. 17238-17251

of 2013 – Mini Bus Operators Association and others vs. State of Punjab and others.”

It is submitted that Mr. J.S. Chhabra, Advocate has on 01.07.2016 filed Vakalatnama on behalf of all the respondent but no counter affidavit has been filed by him so far.

Service of show cause notice is complete.

SLP (C) No. 27272 of 2013

It is submitted that show cause notice was issued to all the three respondents in this matter. Dr. Monika Gusain, Advocate has filed Vakalatnama on behalf of Respondent Nos. 1 to 3 but no counter affidavit has been filed by her so far.

Service of show cause notice is complete.

SLP (C) No. 6199/2014

It is submitted that show cause notice to all the 3 respondents was issued through Regd. A.D. Post. Mr. Kuldip Singh, Advocate has filed Vakalatnama on behalf of Respondent Nos. 1 and 2 but no counter affidavit has been filed.

It is submitted that Respondent No. 3 is served by way of Dasti but there is no appearance on his behalf.

It is further submitted that Mr. Anis Ahmed Khan, Advocate has on 20.11.2014 with the permission of Hon'ble Court filed additional documents in a Volume (Vol. III). Copies of the same are included in SLP paper books.

Service of show cause notice is complete.

SLP (C) No. 16967/2013

It is submitted that Dr. Monika Gusain, counsel for the petitioner has on 08.04.2016 filed proof of show

cause notice of SLP copy on Mr. Anis Ahmed Khan, Advocate for the petitioner in SLP (C) No. 15262 of 2013, who is sole respondent in the instant matter as per Hon'ble Court (In Chamber) order dated 18.03.2016.

The matter above mentioned was listed before the Hon'ble Court on 11.05.2016 with office report dated 16.04.2016, when the Court was pleased to pass the following order :-

" Delay of seven days in doing the needful is condoned."

Hence, Service of show cause notice is complete.

SLP (C) CC No. 16616 of 2015

The matter above mentioned was listed before the Hon'ble Court on 14.09.2015, when the Court was pleased to pass the following order :-

" List with SLP(C)...../2013 (CC Nos.8847-8860) and connected matters."

It is submitted that this is fresh matter.

SLP (C) Nos. 31669-71 of 2014

The matter above mentioned was listed before the Hon'ble Court on 19.07.2016 with office report dated 18.07.2016, when the Court was pleased to pass the following order :-

" Learned counsel for the petitioner is directed to verify and take instructions with reference to interim order dated 20.01.2014, copy of which is produced by learned counsel for the respondents, passed by this Court in similar matters.

List along with connected matters on 02.08.2016."

Service position is as under:-

| SLP | Total Resp. | V/A | C/A | A.D | Unerved Resp. | Remarks |
|----------------------|-------------|-----|-----|-----|---------------|------------|
| 31669-71/2014 | | | | | | |
| 31669 | 5 | 1-3 | 1-3 | - | 4,5 | Incomplete |
| 31670 | 10 | 1-9 | - | - | 10 | Incomplete |
| 31671 | 3 | 1-2 | - | - | 3 | Incomplete |

It is further submitted that Ms. Rani Chhabra, Advocate has filed an application (I.A. No. 10) for impleadment as party respondent in SLP(C) No. 31669/2014.

It is further submitted that Ms. Rani Chhabra, Advocate for respondent nos. 1-3 in SLP(C) No. 31669/2014 has on 13.07.2015 filed an application for Vacating of Stay (I.A. no. 11).

The matters are listed before the Id. Registrar's Court with this office report.

Dated this the 1st day of August, 2016.

ASSISTANT REGISTRAR

Copy to:-Mrs. Rani Chhabra, Adv.
Mr. Shiv Sagar Tiwari, Adv.
Mr. Kuldip Singh, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. K.K. Mohan, Adv.

ASSISTANT REGISTRAR

Com1/Mty