

SECTION XVII

MATTER FOR :11.01.2017

COURT NO : 3

ITEM NO. : 101

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3203 OF 2016

WITH

CIVIL APPEAL NOS. 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211-3212, 3213, 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222 and 3223 OF 2016, 971-973, 1914,4289,4504-4508 of 2008 and 4881 of 2010

WITH

INTERLOCUTORY APPLICATION NO. 4 (in C. A. No. 3203 of 2016)

(Application for Intervention)

AND

INTERLOCUTORY APPLICATION NOS. 7-9 & 10-12(C.A No. 971-973 of 2008)

(applications for impleadment)

AND

INTERLOCUTORY APPLICATION NO. 1 (C.A No. 1914 of 2008)

(application for impleadment)

AND

INTERLOCUTORY APPLICATION NO. 3 (C.A No. 4289 of 2008)

(applications for impleadment)

AND

INTERLOCUTORY APPLICATION NO. 11-15 (C.A Nos. 4504-4508 of 2008)

(applications for impleadment)

AND

INTERLOCUTORY APPLICATION NOS. 1, 5, 12 & 15 (C.A No. 4881 of 2010)

(applications for stay, direction, stay and intervention)

M/s Gautam Ferro Alloys Etc.
Appellants

....

VERSUS

Union of India & Ors.
Respondents

....

OFFICE REPORT

CIVIL APPEAL NOS.3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211-3212, 3213, 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222 and 3223 OF 2016,

The matters above-mentioned were listed before the Hon'ble Court on 14th March, 2016, when the Court was pleased to pass the following Order:

"Leave Granted. Hearing expedited. "

It is submitted that there are three common respondents in all the matters above-mentioned. Service of notice on all the respondents is

complete at SLP stage. Common respondent No.2(Central Electricity Regulatory Commission) and respondent No.3(Damodar Valley Corporation) are represented through Mr. Nikhil Nayyar and Mr.Siddharth Chaudhary, Advocates respectively in all the appeals above-mentioned and they have also filed counter affidavit. Respondent No.1(Union of India) in all the appeals above-mentioned is served through dasti but no one has entered appearance on his behalf so far.

It is further submitted that Counsel for the Petitioner has filed rejoinder affidavit in Civil Appeal Nos. 3203, 3204, 3205 and 3206 of 2016 only.

It is further submitted that Ms. Sudha Gupta, Advocate has filed application for intervention which is registered as I.A No. 5 and included in the paper books.

Service of NLPA is complete.

CIVIL APPEAL NOS. 971-973 OF 2008

The matter above-mentioned was listed before the Hon'ble Court on 11th February, 2008, when the Hon'ble Court was pleased to pass the following Order:-

**"The civil appeals are admitted.
Prayer for grant of interim relief is rejected.
Let hearing of the appeals be expidited."**

There are eleven respondents in these matters. Respondent No. 1 is represented through Mr. K. V. Mohan, Advocate. Service of notice of Lodgement of Petition of Appeal complete upon Respondent Nos. 2 to 11 through certificate of service.

It is submitted that Counsel for appellant has not filed statement of case so far.

It is further submitted that Counsel for Respondent No. 1 has on 10.05.2010 filed cross objection(Copy of the same included in the paper books)

It is further submitted that Mr. Vishal Arun, Advocate has filed applications for impleadment to implead the applicant Nos. 1 to 14 as proforma respondent which were registered as I.A Nos. 7-9 and the same has been listed before the Hon'ble Court on 11th September, 2009, when the Hon'ble Court was pleased to pass the following Order:-

**"List I.A. Nos. 7-9(Appnl.(s) for impleadment)
alongwith the appeals."**

It is lastly submitted that Mr. Rajiv Shankar Dvivedi, Advocate has on 9.09.2010 filed an application for impleadment, which were registered as I.A Nos. 10-12 of 2010.(copy of the same placed with appeal paper books.)

CIVIL APPEAL NO. 1914 OF 2008

The matter above-mentioned was listed before the Hon'ble Court on 31st March, 2008, when the Hon'ble Court was pleased to pass the following Order:-

**"The Civil appeal is admitted.
Tag the appeal with civil Appeal No. 804 of 2008"**

It is submitted that respondent no. 1 is represented through mr. K. V. Mohan, Advocate. Service of NLPA of Respondent Nos. 2 to 8 is complete through Certificate of Service but no one has entered appearance so far.

It is further submitted that Counsel for Respondent No. 1 has on 16.04.2010 filed cross objection(Copy of the same included in the paper books)

It is further submitted that Mr. Rajiv Shankar Dvivedi, Advocate has on 9.09.2010 filed an application for impleadment which was registered as I.A No. 1 of 2010(copy of the same placed with appeal paper books.)

The matter above-mentioned was lastly listed before the Ld. Registrar Court on 14th May, 2015, when the following Order was passed:-

"service of notice of lodgement of petition of appeal on all the eight respondents is complete.

None of the parties has filed the statement of case. Time stipulated for the purpose has already expired. Otherwise also after the amendment in Supreme Court Rules, 2013, it is no more a mandate. Chronology of events already on record is presumed to have been accepted by the parties.

The appeal stands complete, in the given circumstances.

Registry to process to list the same before the Hon'ble Court, as per rules."

CIVIL APPEAL NOS.4289 OF 2008

The matter above-mentioned was listed before the Hon'ble Court on 8th July, 2008, when the Court was pleased to pass the following Order:-

**"Heard learned counsel appearing on behalf of the parties.
Delay condoned.
The civil appeal is admitted.
Prayer for interim relief is rejected.
Tag the appeal with Civil Appeal No. 804 of 2008."**

It is submitted that there are eight respondents in the matter. Respondent No. 1 is represented through Mr. K. V. Mohan, Advocate. Service of Notice of Lodgement of Petition of Appeal is complete upon rest of the Respondents through certificate of service but on one has entered appearance so far.

It is further submitted that Mr. Nikhil Nayyar, Counsel for Appellant has on 16th July, 2013 filed statement of case but Mr. K. V. Mohan, Counsel for Respondent No. 1 has not filed statement of case so far.

It is further submitted that Counsel for Respondent No. 1 has on 10.05.2010 filed cross objection(Copy of the same included in the paper books)

It is further submitted that Mr. Rajiv Shankar Dvivedi, Advocate has on 9.09.2010 filed an application for impleadment which was registered as I.A No. 3 of 2010(copy of the same placed with appeal paper books.)

The matter above-mentioned was listed before the Ld. Registrar Court on 30th October, 2015, when the following Order was passed:

**"Respondent No. 1 is duly served and is well represented.
Service of the remaining respondent among 8 respondents is complete but none has entered appearance.
Appellant has filed the statement of case.
Respondent No. 1 has opted to not to file any statement of case.
The appeal stands complete."**

CIVIL APPEAL NOS. 4504-4508 OF 2008

The matters above-mentioned were listed before the Hon'ble Court on 14th July, 2008, when the Court was pleased to pass the following Order:-

**"Delay condoned.
The appeals are admitted.
Prayer for grant of interim relief is rejected.
Let hearing of the appeals be expedited.
Tag the appeals with Civil Appeal Nos. 971-971 of 2008."**

There are fifteen Respondent in these matters. Common Respondent No. 1 in all the Civil Appeal Nos. 4505-4508 of 2008 is represented through Mr. K. V. Mohan, Advocate and Respondent No. 6 in Civil Appeal

No. 4508 of 2008 is represented through Mr. Sridhar Potaraju, Advocate. The service of the notice of lodgement of petition of appeal is complete upon rest of the Respondent through certificate of service but no one has entered appearance so far.

It is further submitted that Counsel for Respondent No. 1 has on 10.05.2010 filed cross objection(Copy of the same included in the paper books)

It is further submitted that Mr. Rajiv Shankar Dvivedi, Advocate has on 9.09.2010 filed an application for impleadment which was registered as I.A Nos. 11-15(copy of the same placed with appeal paper books.)

The matter above-mentioned was listed before the Ld. Registrar Court on 30th October, 2015, when the following Order was passed:

"Among 15 respondents herein, common respondent No. 1 and respondent No. 6 in CA No. 4508/2008 are well represented.

Service upon the remaining respondents is complete but none has entered appearance.

None of the appearing parties have filed the statement of case.

It is no more a mandate after the amendment in the Supreme Court Rules, 2013.

Both set of appeals be n ow processed to be listed before the Hon'ble Court, as per rules."

CIVIL APPEAL NO.4881 OF 2010

The matter above-mentioned was listed before the Hon'ble Court on 13th March, 2015, when the Hon'ble Court was pleased to pass the following order:

"An application for intervention filed by the appellant be placed before the appropriate Bench."

It is submitted that there are 25 respondents in the matter. Respondent No. 1, 5, 6, 7, 12, 13 & 25 are represented through Mr. Nikhil Nayyar, Ms. Sharmila Upadhyay, Mr. A.K. Sharma, Mr. P. Ramesh Kumar, Mr. Sunil Kumar Jain, Mr. Rajiv Shankar Dvivedi and Mrs. Sarla Chandra, Advocates respectively. Respondent Nos. 8 & 21 are represented through Mr. Abhijit Sen Gupta, Advocates. Respondent Nos. 9,14,22,23 and 24 are represented through Mr.

Devashish Bharuka, Advocates. Respondent Nos. 17,19 & 20 are represented through Mr. Mohit Kumar Shah, Advocate. Respondent Nos. 18 & 3 are represented through Mr. Anil Kumar Jha, Advocate. Respondent Nos. 2,4,10,11,15 and 16 have also served with notice but no one has entered appearance so far.

Service of Notice of Lodgement of Petition of Appeal is complete in the matter.

It is further submitted that counter affidavit has been filed by the counsel for the Respondent Nos. 3 & 13.

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 10TH DAY OF JANUARY, 2017.

ASSISTANT REGISTRAR

Copy to : Mr. Devashish Bharuka , Advocate
Mr. Nikhil Nayyar, Advocate
Mr. Siddharth Choudhary, Advocate
Ms. Sudha Gupta, Advocate
Mr. K. V. Mohan, Advocate
Mr. Vishal Arun, Advocate
Mr. Rajiv Shankar Dvivedi, Advocate
Ms. Sharmila Upadhyay, Advocate
Mr. A.K. Sharma, Advocate
Mr. P. Ramesh Kumar, Advocate
Mr. Sunil Kumar Jain, Advocate
Mrs. Sarla Chandra, Advocate
Mr. Abhijit Sen Gupta, Advocate

ASSISTANT REGISTRAR