

SECTION-III

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 19796-19800 OF 2012

WITH

PRAYER FOR INTERIM RELIEF

Commissioner of Central Excise, Delhi-IV. Etc.Petitioners

-Versus-

M/S. Exportec India Exports. etc.Respondents

OFFICE REPORT

The matter above mentioned were listed before the Hon'ble Court on 3rd July, 2012 when the Court was pleased to pass the following order:-

“Delay condoned.

Issue notice”

It is submitted that there are four respondents, Show cause notice was issued on 12th July, 2012 to all the four respondents by Registered A.D. Post. Ms. Abha R. Sharma, Advocate has filed Vakalatnama/Appearance on behalf of Respondent Nos. 2 and 4 and Mr. Mohit D. Ram, Advocate has filed Vakalatnama/Appearance on behalf of respondent No. 1. Neither A.D. card nor unserved cover containing the notice has been received back from respondent No. 3.

The office report regarding service position and for filing counter affidavit was listed before the Registrar Court on 4th July, 2013 when the following order was pass:-

“Four weeks' time is granted to respondent Nos. 1, 2 and 4 for filing counter affidavit on record.

Notice be reissued to respondent No. 3 through the concerned District Court in addition to postal service.

List again on 14. 8.2013.”

It is submitted that compliance report in respect of respondent No. 3 has been received from the concerned District Court stating there in that the said respondent company's "Premises closed and sealed.

The office report was again listed before the Registrar Court on 17th January, 2014 and again on 5th March, 2014 when the following order was passed.

"Respondent No. 1 has failed to file the counter affidavit despite final chance granted on the last date.

Respondent Nos. 2 and 4 are already proceeded ex parte.

Notice be re issued to respondent no. 3 on furnishing his fresh complete address within three weeks through the concerned District Court in addition to postal service.

List again on 5.3.2014."

It is submitted that as per order of the Ld. Registrar dated 13th March, 2014 notice in respect of unserved respondent No. 3 was issued to the Advocate for the petitioner for publication in the newspapers and the counsel has on 21st April, 2014 filed affidavit alongwith proof of publication which shows that notice has been published in the newspapers but no one has filed Vakalatnama/Appearance on behalf of the said respondent. Service of notice is complete.

The office report was lastly listed before the Registrar Court on 30th July, 2014 when the Court was pleased to pass the following order:

"The matter falls under the completed category.

Registry to process for listing before the Hon'ble Court, as per rules."

The matters are, therefore listed before the Hon'ble Court with this office report.

Dated this the 23rd day of August, 2014.

ASSISTANT REGISTRAR

Copy to :-

1. Mr. B.K. Prasad, Advocate
Central Agency Section
2. Ms. Abha R. Sharma, Advocate
Chamber No. 114
3. Mr. Mohit D. Ram, Advocate

ASSISTANT REGISTRAR