

Listed on : 23.7.2014

Court No.

Item No

Section XI-A

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 1393 OF 2011**

**WITH**

**PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos. 21037, 21400, 21403, 21408, 21410, 21413, 21416, 21418, 21420, 21423, 21430, 21432, 21434, 21436, 21438, 21444, 21446, 21447, 21448, 21449, 21451, 21452, 21454 , 21455, 23007, 23009, 23010, 23012, 23013, 23014, 23015, 23016, 23017, 23018, 23019, 23020, 23021, 23022, 23024, 23025, 23026, 23027, 23029, 23034, 23035, 23036, 23037, 23038, 26682, 26683, 26684, 26686, 26687, 26689, 26690, 26691, 26692 & 26694 , 25605, 25621, 25624, 25641, 25646 AND 25653, 25606, 25607, 25615, 25617, 25618, 25622, 25625, 25628, 25630, 25631, 25632, 25642, 25644, 25645, 25647, 25650 and 25655, 29070 OF 2011 AND 31776 & 31777 of 2013 WITH PRAYER FOR INTERIM RELIEF.**

**AND**

**INTERLOCUTORY APPLICATION NO. 1**

(Application for condonation of delay in filing SLPs)

**AND**

**INTERLOCUTORY APPLICATION NO. 2**

(Application for deletion the name of Respondent No.2 in SLP (C) Nos. 23007 of 2011 23007, 23009, 23010, 23012, 23013, 23014, 23015, 23016, 23017, 23018, 23019, 23020, 23021, 23022, 23024, 23025, 23026, 23027, 23029, 23034, 23035, 23036, 23037 & 23038, 26682, 26683, 26684, 26686, 26687, 26689, 26690, 26691, 26692 & 26694, 25606, 25607, 25615, 25617, 25618, 25622, 25625, 25628, 25630, 25631, 25632, 25642, 25644, 25645, 25647, 25650 and 25655 OF 2011)

**State of Orissa & Anr. Etc.**

**...Petitioners**

**Versus**

**M/s Tulsidas Modi & Ors.**

**...Respondents**

**OFFICE REPORT**

**CIVIL APPEAL NO. 1393 OF 2011**

The application for direction in the appeal was listed before the Hon'ble Court on 12.2.2014, when the Court was pleased to pass the following order:-

**“Issue fresh notice to the unserved respondents, returnable in the month of July, 2014.**

**Dasti service, in addition, is permitted.**

**Process to be paid within 10 days from today. If it is not paid within 10 days from today, those petitions will be dismissed for default.”**

It is submitted that there are 3 Respondents in the matter above mentioned. Respondent No. 1 is represented by Mr. Kedar Nath Tripathy, Advocate. Usual notice issued on 25.2.2014 and dasti on 21.2.2014 to unserved Respondent Nos. 2 and 3.

It is further submitted that Mr. Kedar Nath Tripathy, Advocate has on 20.1.2014 filed counter affidavit on behalf of Respondent No. 1 in the matter above mentioned.

It is also submitted that counsel for the parties have not filed statement of case so far.

Service of notice is not complete on Respondent Nos. 2 to 3.

Original record has been received from High Court.

**21037, 21400, 21403, 21408, 21410, 21413, 21416, 21418, 21420, 21423, 21430, 21432, 21434, 21436, 21438, 21444, 21446, 21447, 21448, 21449, 21451, 21452, 21454 , 21455, 23007, 23009, 23010, 23012, 23013, 23014, 23015, 23016, 23017, 23018, 23019, 23020, 23021, 23022, 23024, 23025, 23026, 23027, 23029, 23034, 23035, 23036, 23037, 23038, 26682, 26683, 26684, 26686, 26687, 26689, 26690, 26691, 26692 & 26694 , 25605, 25621, 25624, 25641, 25646 AND 25653, 25606, 25607, 25615, 25617, 25618, 25622, 25625, 25628, 25630, 25631, 25632, 25642, 25644, 25645, 25647, 25650 and 25655, 29070 OF 2011 AND 31776 & 31777 of 2013.**

It is submitted for the information of the Hon'ble Court that accordingly show cause notice, usual as well as dasti was issued on 12.3.2014 to all the unserved respondent in the matters above-mentioned.

**Service position of each SLP's is given below:**

<b>S. No.</b>	<b>SLP's No.</b>	<b>Number of Respondents</b>	<b>Remarks</b>	<b>Service position</b>

1.	21037/11	3	R-1 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
2.	21403/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
3.	21416/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.
4.	21420/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
5.	21436/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.
6.	21438/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.
7.	21446/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.
8.	21447/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.

9.	21448/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
10.	21449/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.
11.	21451/11	3	R-1 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
12.	21452/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.
13.	21454/11	3	R-1 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
14.	21455/11	3	R-1 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
15.	21400/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
16.	21408/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.

17.	21410/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
18.	21413/11	3	R-1 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
19.	21418/11	3	A.D cards and affidavit of dasti service are awaited in respect of all the three Respondents so far.	Service is not complete on all the Respondents.
20.	21423/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
21.	21430/11	3	R-1 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
22.	21432/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
23.	21434/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.

24.	21444/11	3	R-1 is served with notice but no appearance is filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 2 and 3	Service is not complete on Respondent No. 2 and 3.
25.	23007/11	3	R-1 and 2 are represented through Advocates but Counter Affidavit not filed. R-3 is served with notice but no appearance filed.	Service is complete.
26.	23009/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is complete not complete on R- 1.
27.	23010/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. Respondent Nos. 1 and 3 are served with notice but no appearance filed.	Service is complete.
28.	23012/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. Respondent Nos. 1 and 3 are served with notice but no appearance filed.	Service is complete.
29.	23013/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.

30.	23014/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. Respondent Nos. 1 and 3 are served with notice but no appearance filed.	Service is complete.
31.	23015/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. Respondent Nos. 1 and 3 are served with notice but no appearance filed.	Service is complete.
32.	23016/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
33.	23017/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
34.	23018/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.

35.	23019/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
36.	23020/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. Respondent Nos. 1 and 3 are served with notice but no appearance filed.	Service is complete.
37.	23021/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
38.	23022/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. Respondent Nos. 1 and 3 are served with notice but no appearance filed.	Service is complete.
39.	23024/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.

40.	23025/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
41.	23026/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
42.	23027/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. Respondent Nos. 1 and 3 are served with notice but no appearance filed.	Service is complete.
43.	23029/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
44.	23034/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.

45.	23035/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
46.	23036/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is complete not complete on R- 1.
47.	23037/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
48.	23038/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.
49.	26682/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.

50.	26683/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
51.	26684/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
52.	26686/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
53.	26687/11	3	Respondent Nos. 1 and 2 are represented through Advocates but Counter Affidavit not filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
54.	26689/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.

55.	26690/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
56.	26691/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
57.	26692/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
58.	26694/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
59.	25605/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3

60.	25621/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
61.	25624/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
62.	25641/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
63.	25646/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
64.	25653/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
65.	25606/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3

66.	25607/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
67.	25615/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
68.	25617/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
69.	25618/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
70.	25622/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3

71.	25625/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
72	25628/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
73.	25630/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
74.	25631/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
75.	25632/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.

76.	25642/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
77.	25644/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
78.	25645/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
79.	25647/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3
80.	25650/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. A.D cards and affidavit of dasti service are awaited in respect of Respondent Nos. 1 and 3.	Service is not complete on R- 1 and 3

81.	25655/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-1 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 3.	Service is not complete on R- 3.
82.	29070/11	3	R-2 is represented through Advocate but Counter Affidavit not filed. R-3 is served with notice but no appearance filed. A.D card and affidavit of dasti service is awaited in respect of Respondent No. 1.	Service is not complete on R- 1.

It is lastly submitted that Mr. B.K. Prasad, Advocate has filed Vakalatnama/Memo of Appearance on behalf of Respondent No.2 in SLP (C) Nos. 23007 of 2011 23007, 23009, 23010, 23012, 23013, 23014, 23015, 23016, 23017, 23018, 23019, 23020, 23021, 23022, 23024, 23025, 23026, 23027, 23029, 23034, 23035, 23036, 23037 & 23038, 26682, 26683, 26684, 26686, 26687, 26689, 26690, 26691, 26692 & 26694, 25606, 25607, 25615, 25617, 25618, 25622, 25625, 25628, 25630, 25631, 25632, 25642, 25644, 25645, 25647, 25650 and 25655 OF 2011) alongwith common application for deleting the name of Respondent No. 2 in aforesaid matters(Copy of the same has been included in the SLP's paper books for the kind perusal of the Hon'ble Court ).

**SLP (C) No. 31776 of 2013**

There are four respondents in the matter above-mentioned. Mr. B.K. Prasad, Advocate has on 27.5.2014 filed Vakalatnama/Appearance on behalf of Respondent No. 2 but has not filed counter affidavit so far. Respondent Nos. 1, 3 and 4 served with dasti notice but no one has entered appearance on their behalf so far.

Service of show cause notice is complete.

**SLP (C) No. 31777 of 2013**

There are four respondents in the matter above-mentioned. Mr. Sibbo Sankar

Mishra & B. K. Prasad, Advocates have filed Vakalatnama/ Memo of appearance on behalf of Respondent Nos. 1 & 2 respectively but has not filed their respective counter affidavit so far. Respondent Nos. 3 and 4 served with dasti notice but no one has entered appearance on their behalf so far.

Service of show cause notice is complete.

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

Dated this the 23<sup>rd</sup> day of July, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Suresh Chandra Tripathy, Adv.
2. Mr. Kedar Nath Tripathy, Adv.
3. Mrs. Kirti Renu Mishra, Adv.
4. Mr. Ashok Panigrahi, Adv.
5. Mr. Shibashish Misra, Adv.
6. Mr. B. Krishna Prasad, Adv.
7. Mr. Vinodh Kanna B, Adv.
8. Mr. Sibho Sankar Mishra, Adv.
9. Mr. B. Krishna Prasad, Adv.

ASSISTANT REGISTRAR

**cb3**