

SECTION: XIV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.17901-02/2012

WITH

PRAYER FOR INTERIM RELIEF

ALL NORTH EAST COMMERCIAL TRUCK OWNERS ASSOCIATION Petitioner(s)

VERSUS

STATE OF MEGHALAYA & ORS. Respondent(s)

OFFICE REPORT

The matters above mentioned were listed before Hon'ble Court on 22.05.2012 when the Court was pleased to pass the following order:

"Delay condoned.

Admittedly, Petitioner-Association was not a party before the Division Bench of the Gauhati High Court in WP(C) No.206 of 2011 and WP(C) No.6845 of 2010.

But the tenor of the judgment passed by the Division Bench of the High Court in the above mentioned Writ Petitions shows that Petitioner-Association is likely to be adversely affected by the same. Therefore, we deem it fit and proper to grant permission to the Petitioner-Association to file Special Leave Petitions.

Interlocutory Application No.1 of 2012 is, accordingly, allowed.

Issue notice.

In the meanwhile, State Government will continue to issue weighment certificates as per the existing rules, to all those trucks and trailers which may be passing through the weighbridges."

It is submitted that pursuant to aforesaid Order, show cause notice to all the 7 respondents in SLP(C) No. 17901/2012 and 8 respondents in SLP(C) No. 17902/2012 was issued on 08.06.2012 by registered AD. Mr. Ranjan Mukherjee, Advocate has filed vakalatnama/appearance on behalf of Respondent No.1 to 6 in SLP(C) No. 17901/2012 and Respondent No.1 to 7 in SLP(C) No. 17902/2012 but he has not filed counter affidavit, so far. Neither AD card nor unserved cover has been received from Respondent No. 7 in SLP(C) No. 17901/2012 and respondent No. 8 in SLP(C) No. 17902/2012, so far.

For non-completion of service in respect of Respondent No.7 in SLP(C) No. 17901/2012 and Respondent No.8 in SLP(C) No. 17902/2012 and non-filing of counter affidavit on behalf of appearing respondents these matters were listed before the Court of Ld. Registrar and for not-complying with the Ld. Registrar Court's order, office report on default was listed before Hon'ble Judge in Chambers on 11.12.2012 when His Lordship was pleased to condoned the delay in filing process fee and directing to issue of notice with dasti to unserved respondents. Accordingly show cause notice to Respondent No.7 in SLP(C) No. 17901/2012 and Respondent No.8 in SLP(C) No. 17902/2012 (common respondent) was issued on 24.12.2012 and 22.12.2012 by Regd. AD and dasti. Counsel for the petitioner has filed affidavit with proof of dasti service (served on 08.01.2013).

For non-filing of counter affidavit by the counsel appearing for Respondent Nos. 1 to 6 in SLP(C) No. 17901/2012 and Respondent Nos. 1 to 7 in SLP(C) No. 17902/2012 and non-filing of appearance on behalf of Respondent No.7 in SLP(C) No. 17901/2012 and Respondent No. 8 in SLP(C) No. 17902/2012, the matters were listed before Ld.Registrar Court on various dates and lastly listed on 11.03.2013 when the following order was passed:

„Respondent has failed to file Counter Affidavit within the time granted by the Court.

No further steps required to be taken in the matter. It be processed for listing before the Hon'ble Court as per rules.“

Service of notice is complete.

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

DATED THIS THE 16th of September, 2013

DEPUTY REGISTRAR

Copy to :

1. Mr. Amit Kumar, Advocate
2. Ms. Ranjan Mukherjee, Advocate

DEPUTY REGISTRAR

