

SECTION XVII

MATTER FOR :
C/COURT NO.:
ITEM NO. :

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS. 3 & 4 OF 2016

(Applications for restoration and condonation of delay in filing
the resotration)

IN

CIVIL APPEAL NO. 8816 OF 2011

Delhi Power Company Ltd.

.... Appellant

VERSUS

NTPC Ltd. & Ors.

.... Respondents

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 17th October, 2011, when the Court was pleased to pass the following order:-.

"Delay condoned.

Issue notice as to why this civil appeal should not be admitted.

Dasti service, in addition, is permitted.

No ad-interim stay."

It is submitted that there are Eleven respondents in the matter. Respondent Nos. 1,3 & 4 and 10 are represented through Mr. K.V. Mohan, Mr. Pradeep Misra and Mrs. Sharmila Upadhyay, Advocates respectively. Respondent Nos. 6,7 and 9 has been served with notice but no one has entered appearance on their behalf. Mr. K.V. Mohan, Advocate for respondent no. 1 has filed counter affidavit.

It is further submitted that Respondent Nos. 2,5 and 8 remains unserved as neither A.D. card nor unserved cover has been received back on their behalf so far.

The service of notice is incomplete in respect of Respondent Nos. 2, 5 & 8 in the matter.

The matter above mentioned was listed before the Hon'ble Judge in Chamber on 09.09.2015, when His Lordship was pleased to pass the following order:-

"Four weeks' time is granted to the counsel for the appellant for taking necessary steps, failing which the appeal shall stand dismissed without further reference to the Court."

It is submitted that Counsel for the Appellant has not filed proof of dasti notice and the appeal was dismissed as per above said order.

It is further submitted that Mr. Rakesh Kumar Sharma, Advocate for the appellant has on 23.12.2015 filed application for restoration of appeal alongwith application for condonation of delay in filing the restoration and the same have been registered as I.A. Nos. 3 and 4 of 2016. (Copy of the same are placed with appeal paper books.)

The applications above-mentioned are listed before the Hon'ble Judge in Chamber with this office report.

DATED THIS THE 08TH DAY OF FEBRUARY, 2016.

ASSISTANT REGISTRAR

Copy to : Mr. R.K. Sharma, Advocate
Mr. Pradeep Misra, Advocate.
Mr. K.V.Mohan, Advocate.
Mrs. Sharmila Upadhayay, Advocate

ASSISTANT REGISTRAR