

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) SLP (C) NOS. 23592 OF 2014, 10520 OF 2013,
1334, 10165 and 23297 OF 2014

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCTORY APPLICATION NO. 1

(Application for condonation of delay in filing S.L.P.(C) 1334 of 2014)

State Of M.P & Ors.

...Petitioners

-VERSUS-

M/S Lafarge Dealers Association & Ors. Etc.

...Respondents

OFFICE REPORT

S.L.P. © No. 23592 of 2014

The matter was listed before the Hon'ble Court on 19th August, 2014 alongwith connected matters, when the Court was pleased to pass the following order:-

“SLP(C).....CC No. 9999/2014

Delay condoned.

Notice.

List the matters for final disposal on a non-miscellaneous day along with C.A. Nos. 460, 461, 7073 of 2005 and C.A. No. 2343 of 2007.”

Accordingly, show cause notice was issued on 12th December, 2014 to all the seven respondents by Regd. A.D. Post. Mr. Akshat Shrivastava, Advocate has on 10th February, 2015 filed Vakalatnama/Appearance on behalf of respondent No. 6. A.D. Cards duly signed have been received back from respondent Nos. 1, 2, 3 and 7 but no one has filed Vakalatnama/Appearance on behalf of the said respondents so far.

It is submitted that office report with regard to completion of service position was listed before the Ld. Registrar's Court on 21st November, 2014, 5th February, 2015, 15th April, 2015, 4th August, 2015 and lastly on 14th October, 2015, when the following order was passed:-

“Service of notice is complete on the respondent Nos. 1, 2, 3 & 7 but no one has entered appearance on their behalf. Four weeks time as last chance is given to the respondent No. 6 to file the counter

affidavit.

Ld. Counsel for the petitioner is directed to take fresh steps in respect of respondent Nos. 4 & 5 within four weeks.

List the matter again on 12.01.2016.”

It is further submitted that fresh show cause notice was issued on 9th December, 2015 to unserved respondent Nos. 4 and 5 by Regd. A.D. Post. Neither A.D. Cards nor unserved cover containing the notice have been received back from respondent Nos. 4 and 5 so far.

It is lastly submitted that counsel for respondent No. 6 has not filed counter affidavit so far.

S.L.P. © No. 10520 of 2013

The matter was listed before the Hon'ble Court on 4th March, 2013, when the Court was pleased to pass the following order:-

“Delay condoned.

Notice.

Tag with C.A. No. 460 of 2005.”

Accordingly, show cause notice was issued to both the respondents on 13th March, 2013 by Regd. A.D. Post.

It is submitted that office report with regard to completion of service was listed before the Ld. Registrar's Court on 3rd July, 2014, 5th September, 2014 and on 21st November, 2014, when the following order was passed:-

“SLP © No. 10520 of 2013

The office report states that although by order dated 5.09.2014 of this Court, four weeks time as last chance was given to the Ld. Counsel for the petitioners to take fresh steps for the service of notice to the unserved respondents, yet he has not done the needful so far. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders and list thereafter.”

It is further submitted that office report on default was listed before the Hon'ble Judge in Chamber on 15th December, 2014, when His Lordship was pleased to pass the following order:-

“As a last opportunity, one week time is granted to the petitioners for taking fresh steps and filing copies of S.L.P. for issue of fresh show cause notice to both the unserved respondents.”

It is lastly submitted that fresh show cause notice was issued on 10th January, 2015 to both the unserved respondents by Regd. A.D. Post. Mr. Akshat Shrivastava, Advocate, has on 10th February, 2015 filed Vakalatnama/Appearance on behalf of respondent No. 1 but has not filed counter affidavit so far. Neither A.D. Card nor unserved cover containing the notice has been received back from respondent No. 2 so far. A copy of show cause notice was also handed over to Mr. D.K. Sinha, Standing Counsel for the State of Chhattisgarh but he has not filed Vakalatnama/Appearance on behalf of the said respondent No. 2 so far.

S.L.P. © No. 1334 of 2014

The matter was listed before the Hon'ble Court on 10th January, 2014, when the Court was pleased to pass the following order:-

**“Exemption from filing O.T. is allowed.
Issue notice on the application for condonation of delay, as also
on the special leave petition.
Tag with S.L.P.(C) No. 10520 of 2013.”**

Accordingly, show cause notice was issued on 4th February, 2014 to the sole respondent by Regd. A.D. Post.

It is submitted that office report with regard to completion of service was listed before the Ld. Registrar's Court on 3rd July, 2014, 5th September, 2014, 21st November, 2014, 5th February, 2015 and on 15th April, 2015, when the following order was passed:-

“The office report is that although by order dated 05.02.2015 of this Court, three weeks time as last chance was given to the Ld. Counsel for the petitioners to take fresh steps for the service of notice to the unserved sole respondent, yet he has not done the needful within the period stipulated in the order. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders and list thereafter.”

It is further submitted that the office report on default was listed before the Hon'ble Judge in Chamber on 8th May, 2015, when His Lordship was pleased to pass the following order:-

“Four weeks' time is allowed to the petitioners to take steps to file spare copies of SLP and also to furnish the particulars of trial Court.”

Accordingly, fresh show cause notice was issued on 25th July, 2015 to the sole respondent by Regd. A.D. Post. Unserved cover containing the notice has been received back with the remarks "Insufficient address. Returned to sender". Counsel for the petitioner has not filed the particulars of Trial Court for issue of dasti notice.

It is further submitted that the office report was lastly listed before Ld. Registrar's Court on 14th October, 2015, when the following order was passed:-

"Ld. Counsel for the petitioner shall within a period of four weeks file the fresh particulars of the sole respondent and he shall also take fresh steps for the service of notice to him within the same period. List the matter again on 12.01.2016."

It is lastly submitted that counsel for the petitioner has neither furnished the particulars of Trial Court nor taken any fresh steps for service of notice on the unserved sole respondent so far.

S.L.P. © No. 10165 of 2014

The matter was listed before the Hon'ble Court on 7th April, 2014, when the Court was pleased to pass the following order:-

**"Delay condoned.
Issue notice. Mr. Akshat Shrivastava, learned counsel accepts notice on behalf of the sole respondent.
Tag with SLP(C) 10520 of 2013."**

Accordingly, Mr. Akshat shrivastava, Advocate has on 11th April, 2014 filed vakalatnama/appearance on behalf of sole respondent.

It is submitted that office report with regard to filing of counter affidavit was listed before Ld. Registrar court from time to time and lastly on 21st November, 2014 when the following order was passed:-

"The sole respondent has failed to file the counter affidavit within the period stipulated under the rules. Viewed thus, the matter shall be processed for listing before the Hon'ble Court under the rules."

It is further submitted that counsel for the sole respondent has not filed counter affidavit so far.

S.L.P. © No. 23297 of 2014

The matter was listed before the Hon'ble Court on 22nd August, 2014, when the Court was pleased to pass the following order:-

**“Notice.
Tag with SLP(C) No. 10520 of 2013.”**

Accordingly, show cause notice was issued on 12th September, 2014 to the sole respondent by Regd. A.D. Post. Mr. Akshat shrivastava, Advocate has on 17th October, 2014 filed Vakalatnama/Appearance on behalf of the sole respondent but has not filed counter affidavit so far.

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

Dated this the 8th Day of January, 2016.

ASSISTANT REGISTRAR

Copy to:

1. Mr. C. D. Singh, Advocate
A-394, (LGF), Defence Colony
New Delhi- 110024
2. Mr. Akshat Shrivastva, Advocate,
18, Lawyers chamber.

ASSISTANT REGISTRAR

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