

LISTED ON 12.02.2016
COURT NO. 6
ITEM NO. 44

SEC.IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 27288-27299/2011, 25985/2014, 15743-15745/2012, 26760-26769/2012, 17498-17499/2013, 13561/2014, 1584-1586/2012, 29387/2011, 30992-30993/2011, 27300-27305/2011, 4983/2014 AND 7915/2014

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NOS. 43-54 IN SLP(C) NOS. 27288-7299/2011

(Application for directions)

AND

INTERLOCUTORY APPLICATION NOS. 55-66 IN SLP(C) NOS. 27288-7299/2011

(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NOS. 4-5 IN SLP(C) NOS. 30992-30993/2011

(Application for exemption from filing O.T.)

AND

INTERLOCUTORY APPLICATION NOS. 6-7 IN SLP(C) NOS. 30992-30993/2011

(Application for impleadment as petitioner)

S. H. BAIG AND ORS. ETC. ETC.

... PETITIONERS

- VERSUS -

STATE OF MADHYA PRADESH AND OTHERS

...RESPONDENTS

OFFICE REPORT

SLP(C) NOS. 27288-7299/2011 AND 27300-27305/2011

The matters above mentioned were listed before the Hon'ble Court on 23.09.2011 with an office report dated 21.09.2011, when the Court was pleased to pass the following order:

"Delay Condoned.

Issue notice to the respondents.

The recovery of any amount from the petitioners pursuant to the impugned order is stayed until further order."

SLP No.	Total RR	V/A	A.D. Card	Unserve d cover reced.	C/A	RR deleted	Service Status
27288-89/2011	4	1 to 4	-	-	1-4	-	Complete
27290-91/2011	6	1 to 4 & 6	5	-	1-4	-	Complete
27292-93/2011	4	1 to 4	-	-	1-4	-	Complete
27294-95/2011	7	1 to 4	5 & 6	-	1-4	7	Complete
27296-97/2011	11	1 to 4	5	-	1-4	6 to 11	Complete
27298-99/2011	8	1 to 4	-	-	1-4	5 to 8	Complete
<u>27300-305/2011</u>							
27300/2011	6	1 to 4 & 6	5	-	-	-	Complete
27301/2011	8	1 to 4	5	-	-	6 to 8	Complete
27302/2011	18	1 to 4	5	-	-	6 to 18	Complete
27303/2011	9	1 to 4 & 6	5	-	-	7-9	Complete
27304/2011	6	1 to 4 & 6	5	-	-	-	Complete
27305/2011	21	1 to 4	-	5	-	6-21	Incomplete

In respect of respondent no. 5 in SLP(C) No. 27290-291/2011, respondent nos. 5 & 6 in SLP(C) No. 27294-295/2011, respondent no. 5 in SLP(C) No. 27296-297/2011, respondent no. 5 in SLP(C) No. 27300-302/2011, respondent no. 5 in SLP(C) No. 27304/2011. Service is complete by way of A.D. card, however, all the said parties belong to State of Madhya Pradesh and in terms of Hon'ble Court's Order dated 10.04.2015 standing counsel has not filed vakalatnama till date. In respect of respondent no. 5 in SLP(C) No. 27303/2011. Neither A.D card nor unserved cover containing notice has been received so far, however, respondent no. 5 is State functionary and in terms of Court's Order dated 10.04.2015 standing counsel for State of Madhya Pradesh has not filed vakalatnama, till date in SLP(C) No. 27305/2011.

SLP(C) NOS. 29387/2011

The matter above mentioned was listed before the Hon'ble Court on 17.10.2011 with an office report dated 14.10.2011, when the Court was pleased to pass the following order:

“Delay condoned.
Issue notice to the respondents.
The recovery of any amount from the petitioners pursuant to the impugned order is stayed until further orders.”

Accordingly, show cause notice was issued to all the five respondents on 2.11.2011 through registered A.D. post Mr. Mishra Saurabh, Advocate has put in appearance on behalf of respondent nos. 1 to 4 and also filed counter affidavit and same has been included in the paper books. Mr. Ravindra S. Garia, Advocate has on 7.2.2013 put in appearance on behalf of respondent no. 5 and has on 22.04.2013 filed counter affidavit, but the same is defective for the reasons as “No new facts which were not before Court below have been pleaded” has been given in the counter affidavit. But he has not cured the defects despite this Registry's letter dated 4.5.2013.

Service of show cause notice is complete.

SLP(C) NOS. 30992-30993/2011

The matters above mentioned were listed before the Hon'ble Court on 01.11.2011, when the Court was pleased to pass the following order:

“Delay condoned.
Issue notice to the respondents.
The recovery of any amount from the petitioners pursuant to the impugned order is stayed until further orders.
Tag with SLP(C) Nos. 27300-27305/2011”

It is submitted that there are 6 respondents in the matter. Mr. B.S. Banthia, counsel for the respondent has filed vakalatnama and counter affidavit on behalf of respondent nos. 1 to 4. Neither A.D. Card nor unserved cover has been received back

in respect of respondent no. 5 & 6 in SLP(C) No. 30992 of 2011, however, respondent nos. 5 & 6 is State functionary in terms of Court's order dated 10.04.2015 standing counsel for State of Madhya Pradesh has not filed vakalatnama, till date.

SLP(C) NOS. 1584-1586/2012

The matters above mentioned were listed before the Hon'ble Court on 05.01.2012 with an office report dated 04.01.2012, when the Court was pleased to pass the following order:

"Issue notice on the application for condonation of delay as well as on the special leave petitions.

The recovery of alleged excess amount paid to the petitioners after 17.11.2001 is stayed until further orders.

Tag with SLP(C) Nos. 27288-27299 of 2011."

Accordingly, show cause notice was issued to all three respondents on 20.01.2012 through registered A.D. post. Respondent nos. 1 to 3 are represented by Mr. Mishra Saurabh, Advocate and have also filed counter affidavit which has already been included in the paper books.

Service of show cause notice is complete.

SLP(C) NOS. 26760-26769/2012

The matter above mentioned was listed before the Hon'ble Court on 31.8.2012 with an office report dated 29.8.2012, when the Court was pleased to pass the following Order:

"Delay condoned.

Issue notice.

Tag with SLP (C) Nos. 27300-27305/2011.

The recovery of any amount from the petitioners pursuant to the impugned order is stayed until further orders."

It is submitted that the instant matter is a group of 10 matters and Counsel for the petitioner has on 13.9.2012 filed one set of process fee and spare copies which was deficit. With the result, stay and show cause notice could not be issued.

It is further submitted that counsel for the petitioner has filed an application for deletion of performa respondents from the array of parties, but the same is defective for the following reasons:-

(I) name of the respondents are not given properly.

(II) Affidavit given, in the application is of the Advocate instead of the petitioner.

(III) Deficit court fee affixed on the application.

Thereafter, the matter was timely listed before the Registrar Court but counsel for the petitioner neither taken steps for service of show cause notice nor cured the defects of the application for deletion.

Thereafter, the office report on default dated 12.2.2013 was listed before the Hon'ble Judge in Chamber on 4.3.2013 as per Order dated 01.10.2012 of Registrar's Court, when His Lordship was pleased to pass the following Order :

"Four weeks' time is granted to the learned counsel for the petitioners to comply with office report dated 12th February, 2013."

It is submitted that Counsel for the petitioner has not complied with the defects pointed out in the office report dated 12.2.2013, till date.

Service of show cause notice is not complete.

SLP(C) NO. 15743-15745/2012

The matters above mentioned were listed before the Hon'ble Court on 30.04.2012 with an Office Report dated 17.04.2012 when the Court was pleased to pass the following Order:

' 'Delay condoned.

Issue notice to the respondents.

The recovery of any amount from the petitioners pursuant to the impugned order is stayed until further orders.

Tag with SLP (C) 27300-27305/2011.' '

Accordingly, show cause notice was issued to all the total 22 respondents on 23.05.2012 through Regd. A.D. post.

Respondent Nos. 1 to 4, 7 & 22 are represented through Mr. Mishra Saurabh, Advocate and have also filed counter affidavit. Copies of the same have been included in the paper books. A.D.Card duly signed in respect of respondent No. 5 in SLP(C) No. 15743-15744 of 2012 but no one has entered appearance on his behalf, so far. Neither A.D. Card nor unserved cover has been received back in respect of respondent no. 6 in SLP(C) No. 15743 of 2012 and respondent Nos. 6 to 21.

Thereafter, the matters were listed time to time before the Registrar Court and in pursuance of Registrar's Order dated 27.09.2012, an office report on default dated 25.06.2015 was listed before the Hon'ble Judge in Chamber on 25.08.2015 when His Lordship was pleased to pass the following order :

'As prayed for, four weeks' time is granted to learned counsel for the petitioners to cure³ the defects as pointed out by the office in its report dated 25.06.2015.'

It is submitted that Counsel for the petitioner has neither filed process fee and spare copies of SLP nor furnished the address of Trial Court for issuance of Supreme Court notice to unserved respondent No. 6 to 18.

Service of show cause notice is not complete.

SLP(C) NO. 25985/2014

The matter above mentioned was listed before the Hon'ble Court on 08.09.2015 with an Office Report dated 07.09.2015 when the Court was pleased to pass the following Order:

*'Pleadings are complete.
List the matter along with SLP (C) Nos.
27288-27299 of 2011 and other connected
matters.'*

SLP(C) NO. 13561/2014

The matter above mentioned was listed before the Hon'ble Court on 06.05.2014 with an Office Report dated 05.05.2014 when the Court was pleased to pass the following Order:

'' Heard.

Issue notice in the special leave petition as also in the application for condonation of delay.

Tag along with SLP(C)No(s).27288-27299 of 2011.

Recovery of the excess amount, if any, already paid to the petitioners in the past shall remain stayed. We make it clear that this order shall not be interpreted to mean that the payment of such excess amount cannot be stopped for the future.''

SLP(C) NO. 4983/2014

The matter above mentioned was listed before the Hon'ble Court on 03.02.2014 with an Office Report dated 31.01.2014 when the Court was pleased to pass the following Order:

'' Heard.

Delay condoned.

Issue notice.

Tag along with SLP(C) No(s).27300-27305 of 2011.

Recovery of the excess amount, already received by the petitioners, shall remain stayed until further orders from this Court.''

Thereafter, the matter above mentioned was listed before the Hon'ble Judge in Chamber on 28.08.2015 with an Office Report dated 12.03.2015 when the Court was pleased to pass the following Order:

''No one has appeared on behalf of the petitioners even on the second call.

This Court as far back as on 25.11.2014 had directed the petitioners to move an application for impleading the Lrs. of the deceased respondent No.9. The aforesaid application has not been filed till date even though last opportunity to do so was granted to the petitioners as far back as on 25.11.2014.

One further opportunity is granted to the petitioners to move an appropriate application to implead the Lrs. of deceased respondent No.9 within eight weeks from today, subject to payment of cost of Rs.25,000/-, which shall be deposited with the Supreme Court Bar Association Welfare Fund within four weeks from today ''

SLP(C) NO. 7915/2014

The matters above mentioned were listed before the Hon'ble Court on 04.04.2014 with an Office Report dated 03.04.2014 when the Court was pleased to pass the following Order:

*'' Issue notice.
Tag with SLP(C) Nos. 27288-27299 of 2011.
The recovery of any amount from the petitioner pursuant to the impugned order is stayed until further orders.''*

Service report is as under:-

S.No.	SLP(C) NOS.	Total Respondents	AD/Proof	Vakalatnama	Counter Affidavit	Steps
1.	25985/2014	4	4	1-3	1-3 (Copy of the same circualted)	Complete
2.	13561/2014	13	3-5, 7, 8	10	1-8 (Vakalatnama not filed)	9, 11-13 is not complete
3.	4983/2014	12	8, 11, 12	1-4, 5-7, 10	1-4, 5-7, 10	9 (expired) counsel for the petitioner has neither filed application to implead Lr of deceased respondent no. 9 nor proof of deposit of Rs. 25,000/- with Supreme Court Bar Association, till date., vide this Registry's letter dated 09.09.2015.
4.	7915/2014	5	-	1-5	1-5 (Copy included)	Compelete

SLP(C) NO. 17498-17499/2013

The matters above mentioned were listed before the Hon'ble Court on 12.04.2013, when the Court was pleased to pass the following Order:

'Issue notice on the application for condonation of delay as well as on the special leave petitions.

The recovery from the petitioners pursuant to the impugned order shall remain stayed until further orders.

Tag with SLP(C) No. 29387 of 2011.'

It is submitted that there are five respondents. Mr. Mishra Saurabh, Advocate has filed vakalatnama on behalf of respondent nos. 1 to 5 but he has not filed counter affidavit, so far.

Service of show cause notice is complete.

Thereafter, the matters above mentioned were listed before the Hon'ble Court on 18.11.2013 with an Office Report dated 16.11.2013 when the Court was pleased to pass the following Order:

'Heard.

Learned counsel for the petitioners submits that there is a large number of other similar matters arising from the States of Madhya Pradesh and Chhattisgarh involving identical questions of law and fact. Learned counsel for the State of Madhya Pradesh undertakes to furnish a list of such matters to the Registry within four weeks.

Post these matters along with such connected matters after the winter vacation. Pleading, if not already completed, be completed in the meantime.'

It is submitted that counsel for the state of M.P has not furnished the other similar matters arising involving identical questions of Law and facts, so far.

It is further submitted that Mr. Mishra Saurabh, counsel for the respondents (State of M.P) in SLP Nos. 17498-17499/13 has not filed counter Affidavit so far.

Service of show cause notice is complete in both the matters.

The matters above mentioned were listed before the Hon'ble Court on 10.04.2015 with an Office Report dated 09.04.2015 when the Court was pleased to pass the following Order:

''List I.A. Nos. 43-54 along with the main matter. The counsel for the State of Madhya Pradesh submits that he will appear in all connected matters not only on behalf of the State of Madhya Pradesh but on behalf of all other State functionaries also who have been impleaded as party-respondents in this group of matters.

List the group of matters at an early date in case the pleadings are complete.''

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

Dated this the 11th day of February, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. S.K. Verma, Adv.
Mr. Mishra Saurabh, Adv.
Mr. A.S.Bhasme, Adv
Mr. Sanjay R. Hegde, Adv
Mr. Shankar Divate, Adv
Mr. R.S. Garia, Adv
Mr. Miland Kumar, Adv
Mr. L.R. Singh, Adv

ASSISTANT REGISTRAR