

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3949-3958 OF 2009

WITH

I.A. NO.1-10 & 11-20 OF 2009:

(Applications for condonation of delay in filing and refiling petition of appeal)

Commissioner of Customs (EP) Mumbai

.....Appellant

-Versus-

M/s. Mehta Trading House Pvt. Ltd. & Ors.

.....Respondents

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 11th May 2009, when the Court was pleased to pass the following orders:

"Issue notice limited to the question as to why the matters should not be remitted, particularly when the Austrian Supplier has not been examined by the Department."

Accordingly, show cause notice was issued on 9th October 2009 through Courier Service to Respondent No.1 (Sole Common Respondent in C.A. No.3949, 3952 and 3957 of 2009), Respondent No.2 (Sole Common Respondent in C.A. No.3950, 3953 and 3958 of 2009), Respondent No.3 (Sole Common Respondent in C.A. No.3951 and 3954 of 2009), Respondent No.4 (Sole Respondent in C.A. No.3955 of 2009) and Respondent No.5 (Sole Respondent in C.A. No.3956 of 2009).

It is submitted that Mr. Praveen Kumar, Advocate has filed Vakalatnama/Appearance on behalf of all the Respondents except Sole Respondent in C.A. No.3956 of 2009 and also filed Counter Affidavit on behalf the Respondents Nos. 1-4 above-mentioned. Copies of the same have been included in appeal paper books.

The Office Report regarding service position was listed before the Registrar Court from time to time and as per order of the Ld. Registrar dated 15th January 2013, Dasti Notice was handed over to Counsel for the Appellant for effecting service on unserved Sole Respondent in C.A. No.3956 of 2009, but the counsel for the appellant has not filed affidavit of dasti service along with proof of service so far.

It is further submitted that as per order of Ld. Registrar dated 4th December 2014, show cause notice in respect of unserved Sole Respondent in C.A. No.3956 of 2009 was handed over to the Counsel for the appellant for publication of notice in the newspapers. Counsel for the appellant has on 28th April, 2015 filed proof of publication alongwith affidavit in respect of unserved Sole Respondent in C.A. No.3956 of 2009, stating therein that show cause notice has been published in two newspapers namely "Times of India" Mumbai Edition (English) and "Lok Satta" (in Marathi) on 26th March, 2015 and its Corrigendum on 27th March 2015. Service of show cause notice is complete on all respondents.

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

Dated this the 28th day of September, 2015.

ASSISTANT REGISTRAR

Copy to:-

1. Ms. B.K. Prasad, Advocate.
Central Agency Section,
2. Mr. Praveen Kumar, Advocate.
B-122, Section 30, Noida.

ASSISTANT REGISTRAR

C-2