

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 28302 OF 2011, 29555 and
36137 of 2013

WITH
PRAYER FOR INTERIM RELIEF

Commissioner, Central Excise &
Customs, Surat-I. Etc

.....Petitioners

-VERSUS-

M/s Santosh Textile Mills. Etc.

.....Respondents

OFFICE REPORT

SLP © No. 28302 of 2011

The matter was listed before the Hon'ble Court on 30th September, 2011 when the Court was pleased to pass the following order:-

**“Delay condoned.
Issue notice.”**

Accordingly, show cause notice was issued to the sole respondent through Regd. A.D. Post on 13th October, 2011.

The office report regarding service position was listed before the Ld. Registrar Court on 7th August, 2012, when he was directed to issue fresh notice with additional dasti service on unserved respondents and also service of notice through Trial Court. Fresh show cause notice was issued to the sole respondent on 24th August, 2012 through Registered A.D. poast as well as through concerned Trial Court. A.D. card duly signed on 30th August, 2012 was received back from the sole respondent. The Counsel was also filed affidavit of dasti service alongwith proof of service stating therein that the notice was served on the sole respondent on 3rd September, 2012 and the said matter was listed before the Hon'ble Court on 10th December, 2012, when the Court was pleased to pass the following order :

**“We have not satisfied with the service of notice effected on the respondent.
Let fresh notice issue.”**

It is submitted that fresh notice was issued to the sole respondent on 13th February, 2013 through Registered A.D. post. Neither A.D. card nor unserved cover containing the notice has been received back from the sole respondent. As per order of the Ld. Registrar dated 3rd May, 2013, notice was again issued to the sole respondent through concerned Trial Court. Compliance report with regard to service of notice on the unserved sole respondent has been received from District Judge Surat on 7th March, 2014, which shows that the notice has been served on the Director of the sole respondent company on 21st November, 2013 but on one has entered appearance so far.

SLP (C) NO. 29555 of 2013

The matter was listed before the Hon'ble Court on 10th September, 2013 when the Court was pleased to pass the following order:-

“Delay condoned.

Learned counsel for the petitioner states that the issues raised in this petition are identical with the issues raised in SLP © No. 28302 of 2011.

Taking into consideration the statement so made by learned counsel, we issue notice.

Tag with SLP © No. 28302 of 2011.”

It is submitted that show cause notice was issued to sole respondent though Registered A.D. post on 4th October, 2013. Mr. K.V. Sreekumar, Advocate has on 28th October, 2013 filed Vakalatanama/Appearance and Counter Affidavit has been filed on 22th April, 2015 on behalf of the sole respondent. Copies of the Counter Affidavit have been included in the paper books.

SLP (C) NO. 36137 of 2013

The matter was listed before the Hon'ble Court on 19th November, 2013 when the Court was pleased to pass the following order:-

**“Delay condoned.
Issue notice on the Special Leave Petition as well as on the
prayer for interim relief.
Tag with SLP © 29555 of 2013.”**

It is submitted that notice was issued to sole respondent through Registered A.D. post on 29th November, 2013 to the sole respondent. Mr. B.K. Prasad, Advocate has on 5th February, 2014 filed Vakalatanama/Appearance on behalf of the sole respondent but has not filed counter affidavit.

Thereafter, office report with regard to filing the Counter Affidavit in SLP © No. 36137/2013 was listed from time to time before the Registrar's Court and lastly listed on 17th July, 2014 before the Ld. Registrar Court when the following order was passed:-

**“SLP © NO. 28302/2011, 29555/2013
Matters fall under complete category.
SLP © NOS. 36137/2013
The Id counsel for the sole respondent has not filed counter affidavit inspite of final opportunity.
Registry to process all the matters for listing before the Hon'ble Court.”**

It is submitted that counsel for the sole respondent in SLP © No. 36137/2013 has not filed counter affidavit so far.

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

Dated this the 6th day of July, 2015.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. B.K. Prasad, Advocate
Central Agency Section
2. Mr. K.V. Sreekumar, Advocate
119, Lawyer Chambers
3. Mr. Poli Kataki, Advocate Chamber
No. 313, C.K. Daphtary Lawyers Chamber

ASSISTANT REGISTRAR

C-I