

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).27811/2009

INDUSL.PROMOTN.& INVES.CORP.OF ORISSA LD Petitioner(s)

VERSUS

TOR STEEL RES.FOUNDN.IN INDIA & ORS. Respondent(s)

(With appln(s) for urging addl. grounds and prayer for interim relief and office report)

Date: 24/07/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mr Antaryami Upadhyay, Adv.
Mr. Raj Kumar Mehta,Adv.

For Respondent(s)

Mr Ashwini Kumar, Adv.
Mr. Tapesesh Kumar Singh,Adv.
M/S Fox Mandal & Co. ,Adv

UPON hearing counsel the Court made the following
O R D E R

It is unfortunate that matter has not been taken care of for last three years though there is Court's order on 16.11.2009 to place the petition for final hearing on 31.3.2010 i.e., almost after four months after passing an order to issue notice. Thereby it is necessary for the petitioner to chase the process of service of notice upon the respondents. It seems that after order dated 16.11.2009 once notices were issued and in response to such notices,

-2-

Item No.9

respondent Nos. 1 and 2 has appeared through respective Advocates. Thereafter respondent Nos. 3 and 4 remains unserved. The ld. Advocate for respondent No.1 has pointed out one order dated 23.3.2010. Copy of such order is not found on record. Therefore, the ld. Advocate is requested to provide photocopy of such order to the registry so as to take appropriate steps.

Record also shows that thereafter on 30.3.2012 petitioner has filed one IA for additional ground and paid process fee for respondent Nos. 3 and 4 on 10.6.2010 in response to which notices were issued upon such unserved respondents on 11.6.2010. Even record from the High Court has been received in December, 2009 itself. However, at present, status remains that respondent Nos. 3 and 4 are yet unserved. Therefore, there is no option but to allow the petitioner to confirm service upon such unserved respondents by allowing fresh dasti notices. The litigant has to confirm dasti notice directly upon the litigant-respondent. However, they are permitted to serve through the nearest Civil Court/Trial Court where private parties are

concerned and through standing counsel where State authorities are concerned. Process fee and spare copies are to be filed before 3.8.2012, else list before the Hon'ble Judge in Chambers for non-prosecution. Petitioner has to confirm service upon respondent Nos 3 and 4 as per rules without fail at the earliest and preferably before 30.8.2012.

Served respondents may file counter affidavit till then.

-3-

Item No.9

Copy of this order be forwarded to the ld. Registrar (Judl.-I) to look into the matter that why the matter has not been dealt with from the order dated 16.11.2009 till date or at least from 23.3.2010 when it is said that it is to be listed before the Registrar's Court.

Ld. Registrar (Judl.I) is requested to see that order dated 23.3.2010 is properly placed in record, since it is not found on record.

		(S.G.SHAH)	
		REGISTRAR	

hj