

SECTION-III
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5715,-5723, 6324, 6325, 7717-7718 of 2011 SPECIAL LEAVE PETITION (C) CC. NO. 16852 of 2011, SPECIAL LEAVE PETITION (C). NOS. 31251, 31258 & 31561 OF 2011 AND SLP (C) NOS. 364, 5143, 6026 & 20163 OF 2012.

WITH

PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NOS 19-27

(Applications for Intervention in C.A. Nos.5715-23 of 2011)

AND

INTERLOCUTORY APPLICATION NO 1

(Application for condonation of delay in filing and refiling the SLP (C) CC No.16852 of 2011)

AND

INTERLOCUTORY APPLICATION NOS. 1 & 2

(Applications for directions in SLP (C) Nos. 5143 and 6026 of 2012)

Union of India & Ors. etc. etc.,

.....Appellants

-Versus-

Ravinder Kumar Joshi etc.etc.

.....Respondents

OFFICE REPORT

CIVIL APPEAL NOS. 5715-5723 of 2011

The matters above mentioned were listed before the Hon'ble Court on 4th July 2011 when the Hon'ble Court was pleased to pass the following order:-

"Delay condoned.

Leave granted.

The appeals will be heard on the SLP Paper Books. Additional documents, if any, may be filed by the parties.

Issue notice on prayer for interim relief.

Mr. Sanjeev K. Kapoor, Advocate, accepts notice on behalf of respondents and seeks time to file reply to the prayer for interim relief. Let the needful be done within two weeks. Rejoinder affidavit, if necessary, may be filed within two weeks thereafter.

List the prayer for interim relief immediately thereafter."

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Service position of notice in each of the matters is as under:

CIVIL APPEAL NOS. 5715-5723 of 2011

It is submitted that service of notice of lodgment of petition of appeal in the matters above-mentioned is complete.

Original record has been received from the High Court.

It is further submitted that counsel for the parties have filed statement of case in these matters.

It is lastly submitted that Mr. Praveen Kumar, Advocate, has on 18th August 2011, filed applications for intervention on behalf of the applicant viz Bombay Custom House Agents. The said applications were listed before Hon'ble Judge in Chamber on 12th September 2011 and were directed to be heard at the time of final hearing of the appeals.

Civil Appeal No.6324 & 6325 of 2011

The matters above mentioned were listed before the Hon'ble Court on 29th July 2011,

when the Hon'ble Court was pleased to pass the following order:-

"Leave granted.

The appeals will be heard on the SLP paper books.

Additional documents, if any, may be filed by the parties.

Issue notice on the prayer for interim relief.

Tag with C.A. Nos. 5715-5723 of 2011."

Civil Appeal No.6324 of 2011

It is submitted that notice of lodgment of petition of appeal was issued to the sole respondent through High Court on 09th September 2011. Certificate of service has been received from the High Court stating therein that sole respondent does not reside at the given address.

It is further submitted that Mr. B.K. Prasad, counsel for the appellant has on 11th April 2013, given a letter requesting therein that dasti notice may be issued for effecting service on unserved sole respondent. As per order of the Ld. Registrar dated 13th April 2013, dasti notice was issued to the Advocate for the Appellant on 16th April 2013, for effecting dasti service on unserved sole respondent with a request to file affidavit of dasti service alongwith proof of service but the counsel has not filed the same so far.

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It is lastly submitted that counsel for the appellant has not filed affidavit of service with proof of dasti notice so far.

The office report was listed before Ld. Registrar on 3rd April 2013 when he was pleased to pass the following order :-

"Counsel for the appellant granted four weeks time for _____ furnishing correct address of the sole respondent.

List the matter on 5.7.2013."

It is submitted that counsel for the appellant has not furnished the correct address of the sole respondent till today.

Original record has been received from the High Court. Counsel for the appellant has filed statement of case.

Civil Appeal No.6325 of 2011

It is submitted that service of notice of lodgment of petition of the appeal on the sole respondent in the matter above mentioned is complete by way of certificate of service received from the High Court stating therein that notice has been served on the sole respondent on 7th October, 2011, but no one has filed vakalatnama/appearance on behalf of the said respondent so far. Service of notice is complete.

Original record has been received from the High Court. Counsel for the appellant has filed statement of case.

Civil Appeal Nos.7717-7718 of 2011

The matters above-mentioned were listed before the Hon'ble Court on 2nd September, 2011 when the Hon'ble Court was pleased to pass the following Order :-

"Leave granted.

The appeals will be heard on the SLP Paper Books. Additional documents, if any, may be filed by the parties.

Tag with Civil Appeal Nos. 5715-5723 of 2011. "

It is submitted that notice of lodgment of petition of appeal was issued to the sole respondent through High Court on 2nd November 2011. Certificate

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of service has been received from the High Court stating that the notice of lodgment of petition of appeal has been served by affixing the same on respondent's house on 21st February 2012, but no one has filed vakalatnama/appearance on behalf of the said respondent so far.

Original record has been received from the High Court. Counsel for the appellant has filed statement of case.

SLP (C) CC. NO. 16852/2011

The matter above-mentioned was listed before the Hon'ble Court on 21st October, 2011 when the Hon'ble Court was pleased to pass the following order:-

"List alongwith Civil Appeal Nos. 5715-5723 of 2011.

SLP (C) NO. 31251/2011

The matter above-mentioned was listed before the Hon'ble Court on 11th November, 2011 when the Hon'ble Court was pleased to pass the following order :-

"Issue notice on application seeking condonation of delay as well as in the Special Leave Petition.

Tag with Civil Appeal Nos. 5715-5723 of 2011."

Accordingly, show cause notice was issued to the sole respondent through Regd. A.D. Post. A.D. card duly signed has been received back from the sole respondent, but no one has filed Vakalatnama /Appearance on behalf of the said respondent so far. Service of notice is complete.

SLP (C) NO. 31258/2011

The matter above-mentioned was listed before the Hon'ble Court on 11th November, 2011 when the Hon'ble Court was pleased to pass the following order :-

"Issue notice on application seeking condonation of delay as well as in the Special Leave Petition.

Tag with Civil Appeal Nos. 5715-5723 of 2011."

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Accordingly, show cause notice was issued to the sole respondent through Regd. A.D. Post. Neither A.D. card nor unserved cover containing show cause notice has been received back from the sole respondent.

Thereafter, the office report was listed before the Ld. Registrar on 2nd April, 2013, when he was pleased to pass the following order:

"Counsel for the petitioners seeks four weeks time for filing proof of dasti in relation to the sole respondent.

Granted.

List the matter on 2.7.2013."

It is submitted that Mr. K.V. Sreekumar, Advocate has on 3rd April, 2013, filed Vakalatnama /Appearance on behalf of the sole respondent, but has not filed Counter Affidavit.

It is further submitted that counsel for the respondent has on 27th April 2013, filed application to bring facts subsequent to the passing of Impugned Judgment and order dated 24th February 2011 on record and the said application has been registered Interlocutory Application no.2. Copy of the same is being circulated herewith.

SLP (C) NO. 31561/2011

The matter above-mentioned was listed before the Hon'ble Court on 14th November, 2011 when the Hon'ble Court was pleased to pass the following Order :-
"Issue notice in the application seeking condonation of delay as well as in the Special Leave Petition.

Tag with Civil Appeal Nos. 5715-5723 of 2011."

Accordingly, show cause notice was issued to the sole respondent through Regd. A.D. Post. A.D. card duly signed has been received back from the sole respondent, but no one has filed Vakalatnama/Appearance on behalf of the said respondent so far. Service of notice is complete.

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SLP (C) NO. 364 /2012

The matter above mentioned was listed before Hon'ble Court on 3rd January 2012 when the Hon'ble Court was pleased to pass the following order:-

"Issue notice in the application seeking condonation of delay as well as in the special leave petition.

Tag with SLP(C) No. 31561 of 2011."

Accordingly, show cause notice was issued to the sole respondent through Regd. A.D. Post on 16th January 2012. A.D. card. duly signed, has been received back from the sole respondent but no one has filed vakalatnama/ appearance so far.

The office report was listed before Id. Registrar on 17th July 2012 when he was pleased to pass the following order:-

"No request for filing counter affidavit.

List before the Hon'ble Court, as per rules."

SLP (C) NOs. 5143 & 6026 of 2012

The matters above mentioned were listed before the Hon'ble Court on 21st February 2012 when the Hon'ble Court was pleased to pass the following order:-

"Issue notice in the special leave petitions as also on prayers for interim relief.

Tag with Civil Appeal Nos. 5715-5723 of 2011."

SLP (C) NO. 5143 of 2012

Accordingly, show cause notice was issued to all the three respondents . Mr. A.K. Sharma, Advocate has on 18th April. 2012 filed vakalatnama/ appearance on behalf of all the three respondents. Service of notice is complete. Counter affidavit has been filed on behalf of respondent no.3 and same has been included in the paper book.

SLP (C) NO. 6026 of 2012

It

is submitted that show cause notice was issued to all the five respondents by Regd. A.D. post on 29th February 2012. Mr. A.K. Sharma, Advocate, has on 12th April 2012 filed vakalatnama/ appearance on behalf of respondent nos.1 and 2. A.D. card, duly signed, has been received back from respondent nos.3, 4 and 5, but
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no one has filed vakalatnama/ appearance on behalf of the said respondents so

far. Service of notice is complete on behalf of all the five respondents.

It is submitted that counsel for the petitioner has filed application for directions in the instant SLP as also in SLP (C) No.5143 of 2012 and the said applications were listed before the Hon'ble Court from time to time and lastly on 2nd April 2013 when the Hon'ble Court was pleased to pass the following order:-

"Post the matters along with C.A. Nos. 5715-5723 of 2011 and connected matters on 11.04.2013."

SLP (C) NO. 20163 of 2012

The matter above mentioned was listed before the Hon'ble Court on 9th July 2012, when the Hon'ble Court was pleased to pass the following order:-

"Issue notice in the application seeking condonation of delay as well as in the special leave petition.

Tag with SLP(C) 6026/2012 and connected matters."

Accordingly, show cause notice was issued to all the three respondents by Regd. A.D. Post on 18th July 2012. Mr. K.R. Sasiparbhu, Advocate, has on 17th August 2012 filed vakalatnama/ appearance on behalf of all the said respondents, but has not filed counter affidavit so far. Service of notice is complete.

It is submitted that the above said matters were mentioned before the Hon'ble Court on 11th April 2013, when the Hon'ble Court was pleased to pass the following order:-

"At the request of Shri R.P. Bhatt, learned senior counsel, call the matters after two weeks."

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

Dated this the 1st day of May, 2013.

ASSISTANT

REGISTRAR

...8/-

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Copy to :-

- 1.Mrs. Anil Katiyar, Advocate
Central Agency Section
- 2.M/s. Khaitan & Co., Advocates
1105, Ashoka Estate,
11th Floor, 24 Barakhambha Road
New Delhi
- 3.Mr. K.R. Sasiprabhu, Advocate
J-15, Jungpura Extn.,
New Delhi
- 4.Mr. Parveen Kumar, Advocate
230, M.C. Setalvad Chambers
- 5.Mr. K.V. Sreekumar, Advocate
119, Lawyers Chambers

ASSISTANT REGISTRAR

C-I