

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).28583/2009

(From the judgement and order dated 12/11/2008 in TREVC No. 169/2008
of The HIGH COURT OF A.P AT HYDERABAD)

STATE OF A.P.

Petitioner(s)

VERSUS

M/S SOUTHERN POWER DISTRN.CO.OF A.P.LTD.

Respondent(s)

(With office report)

Date: 25/11/2010 This Petition was called on for hearing today.

For Petitioner(s) Ms. Nirada Das, Adv.
Mr.T.V.George,Adv.

For Respondent(s)

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

It has been noticed that first order to issue notice is dated 26.10.2009. Unfortunately process fee has not been paid till date for issuance of initial notice itself. Thereby, even after a year notice has not been issued by the Registry to the respondent for want of process fee and additional copy to be served upon the respondent with the notice.

On day first, there is an order to tag this matter with another SLP No.14828/2008. However, it seems that because of non service this matter has not been taken with such SLP and till date that SLP might have been disposed of. If process fee was paid in time then this matter would have been taken care of with that SLP and therefore time and energy of everyone would have been saved. Office has listed the matter before the Registrar's Court on 29th July 2010 with an office report for default on the part of the petitioner for non-payment of

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process fee and non-supply of copies of pleadings. The Registrar's Court has by order dated 29th July, 2010 granted four weeks time to cure such defects and directed to list the matter on 27th September 2010. Unfortunately, Registry has failed to list the matter before the Registrar's Court initially from 26th November 2009 till 29th July 2010 and again from 27.9.2010 till date when the petitioner has failed to pay process process fee. Today also matter is listed before this court with office report dated 24.11.2010 stating that process fee and copies are not supplied by the petitioner despite registry's letter dated

23.3.2010. Thus, petitioner has to supply additional copies and failed to pay process fee after an order to issue notice on 26.10.2009 and even after receipt of letter dated 23.3.2010. For the delay on the part of the registry an explanation is to be sought from the concerned section.

For delay on the part of the petitioner, now there is no option but to impose the cost for such delay. The learned Advocate for the petitioner has pointed out that they have paid process fee and spare copies on 24.11.2010 and hence requested that cost may not be imposed.

However, it is also clear that they have not paid the process fee in time and while submitting the process fee on 24.11.2010, they have not applied for condonation of delay in filing process fee. In view of such facts, practically matter is required to be listed before the Hon'ble the Chamber Court for appropriate directions as the process fee is not paid for one year.

However, in the interest of justice, when process fee is paid, issue notice with additional dasti service as soon as State Taxing Authority can easily serve the dasti notice through the department to the respondent from whom they have to recover tax. If notice are issued, list before this court for confirmation of service on 21.1.2011.

(S.G.SHAH)
Registrar

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