

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NOS. 216, 577 AND 611 OF 2015

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

VIOM NETWORKS LTD. ETC.

....PETITIONERS

-VERSUS-

NASHIK MUNICIPAL CORPORATION & ORS. ETC.

....RESPONDENTS

OFFICE- REPORT

W.P.(C) No. 216 of 2015

The writ petitions above-mentioned were listed before the Hon'ble Court on 27.04.2015, when the Court was pleased to pass the following order:

"Issue notice returnable within six weeks.

In the meantime, it is certified that as an interim measure, the respondents may determine the tax on the mobile towers under the Maharashtra Municipal Corporation Act, 1949 and raise demand on the petitioner. However, such demand shall not be enforced against the petitioner during the pendency of the writ petition.

Tag with Civil Appeal No. 8114 of 2013."

It is submitted that there are 13 respondent and notice has been issued to all the 13 respondents by registered A.D. M/s. Lemax Lawyers & Co., Advocates have filed vakalatnama and counter affidavit on behalf of Respondent Nos. 1 to 3. Mr. Nirnimesh Dubey, Advocate has filed vakalatnama on behalf of respondent Nos. 7 to 9. Ms. Aparna Jha, Advocate has filed vakalatnama on behalf of respondent Nos. 10 to 12. A.D. Card duly signed has been received on behalf of respondent Nos. 4, 5 & 6 but no one has entered appearance so far. Neither A.D. Card nor unserved cover has been received in respect of respondent No. 13 so far.

Service of notice is not complete on respondent No. 13.

W.P.(C) NO. 577 & 611 OF 2015

The writ petitions above-mentioned were listed before the Hon'ble Court on 28.08.2015, when the Court was pleased to pass the following order:

"Issue notice.

Tag with W.P.(C) No. 216 of 2015.

Mr. Jayant Bhushan, learned senior counsel submits that the respondent-Corporation are already represented by their respective counsel in a batch of connected matters pending in this Court and so is the State of Maharashtra.

Notice shall, therefore, issue to the respondents by ordinary process and also dasti to be served upon learned counsel appearing for the respondent-Corporations in the connected matters.

..2/-

List along with the connected matters for final hearing.

Pending further orders, we direct that while the Assessing Officers concerned shall be free to assess the petitioner and raise demands, no recovery based on such demands shall be made without the leave of this Court."

W.P.(C) NO. 577 OF 2015

It is submitted that pursuant to the aforesaid order, show cause notice was issued to all 13 respondents. Ms. Aparna Jha, Advocate has filed vakalatnama and memo of appearance on behalf of respondent nos. 1, 2, 4 and 5 but she has not filed counter affidavit so far. Mr. Deepak Nargolkar, Advocate has filed vakalatnama and memo of appearance on behalf of respondent nos. 7 and 8 but he has not filed counter affidavit so far. No one has entered appearance on behalf of respondent nos. 3, 6, 9, 11 though served with notice. Neither A.D. card nor unserved cover has been received back in respect of respondent nos. 10, 12 & 13 so far. Counsel for the petitioner has not filed affidavit of dasti service in respect of respondent Nos. 10, 12 & 13 so far.

Service of notice is not complete on respondent nos. 10, 12 & 13.

W.P.(C) NO. 611 OF 2015

It is submitted that pursuant to the aforesaid order, show cause notice was issued to all 10 respondents. No one has entered appearance on behalf of respondent nos. 1 and 4 to 7 though served with notice. Neither A.D. card nor unserved cover has been received back in respect of respondent nos. 2, 3 and 8 to 10. Counsel for the petitioner has not filed affidavit of dasti service in respect of respondent Nos. 2, 3 and 8 to 10 so far.

Service of notice is not complete on respondent nos. 2, 3 and 8 to 10.

It is lastly submitted that the matters above-mentioned were listed before the Court of Registrar on 18.01.2016, when the Court was pleased to pass the following order:

"W.P.(C) No. 216/2015

Nobody appears for respondent Nos.4 to 6, despite due service.

Fresh steps to be taken for service of respondent No.13 within four weeks.

Registry to submit report regarding other respondents.

W.P. C) No. 577/2015

Four weeks' time, as last opportunity, is granted to respondent Nos.1, 2, 4 and 5 for filing counter affidavit.

Respondent Nos.7 and 8 have not filed the counter affidavit, despite last opportunity having been granted. As such, further opportunity is declined.

Nobody appears for respondent Nos.3, 6, 9 and 11 despite due service.

Four weeks' time, as last opportunity, is granted to the petitioner for filing affidavit with proof of dasti service with regard to respondent Nos.10, 12 and 13.

W.P.(C) No. 611/2015

Respondent No.1 is common in this petition and W.P. (C)No.577/2015. As such, the Ld. Counsel to file vakalatnama in this petition also within four weeks. Four weeks' time, as last opportunity, is granted to the petitioner to file affidavit with proof of dasti service with regard to respondent Nos.2, 3 and 8 to 10.

Nobody appears for respondent Nos.4 to 7, despite due service.

List again on 29.3.2016."

As the main matter is on board, hence the writ petitions above-mentioned are listed before the Hon'ble Court with this office report.

Dated this the 10th day of May, 2016.

ASSISTANT REGISTRAR

Copy to:

Mr. Nar Hari Singh, Advocate

Ms. Aparna Jha, Advocate

Mr. Deepak Nargolkar, Advocate

Mr. Puneet Taheja, Advocate

Mr. Nirnimesh Dubey, Advocate

M/s. Lemax Lawyers & Co., Advocate

ASSISTANT REGISTRAR