

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

LISTED ON : 05-12-2016
COURT NO :
ITEM No. :

TRANSFER PETITION (CIVIL) NOS. 1958 - 1967 OF 2016

WITH

INTERLOCUTORY APPLICATION NOS. 1 – 10 OF 2016 , 11 & 12 of 2016

(Applications for Stay, intervention in T.P. (C) No. 1958 of 2016 & clarification of Hon'ble Court's Order dated 23.11.2016 in T.P. (C) No. 1966 of 2016)

UNION OF INDIA

...Petitioner

VERSUS

SHANKAR LAL GUPTA & ORS.

...Respondents

WITH

TRANSFER PETITION (CIVIL) NOS. 1982 - 1996 OF 2016 (DIARY NO. 39054)

WITH

INTERLOCUTORY APPLICATION NOS. 1 – 15 OF 2016

(Applications for Stay)

UNION OF INDIA

...Petitioner

VERSUS

K. SREEDHAR & ORS. ETC. ETC.

...Respondents

OFFICE REPORT

The Transfer Petitions above mentioned were listed before the Hon'ble Court on 23rd November 2016, when the Court was pleased to pass the following Order:-

"Heard.

Issue notice to the respondents-writ petitioners before the High Court, returnable on Friday, the 2nd December, 2016.

Dasti, in addition, is also permitted.

Service upon learned counsel appearing for the writ petitioners, pending before the High Court, is also permitted.

At this stage, Mr. Vibhakar Mishra, Advocate, appears and accepts notice on behalf of respondent no.1-writ petitioner in W.P.(C)No.3056 of 2016. He may file objections, if any, on or before the next date of hearing.

T.P. (C) D.No.39054 :

Taken on Board.

Issue notice to the respondents-writ petitioners before the High Court, returnable on Friday, the 2nd December, 2016.

Dasti, in addition, is also permitted.

Service upon learned counsel appearing for the writ petitioners, pending before the High Court, is also permitted.

Tag along with T.P(C)No.1958-1967 of 2016."

Thereafter, the matters above mentioned were listed before the Hon'ble Court on 02nd December 2016, when the Court was pleased to pass the following Order:-

"List on Monday i.e 5th December, 2016 at 2.00 p.m."

Accordingly, notice was issued to all the respondents – writ petitioners through the concerned High Courts on 26.11.2016 as well as through dasti on 25.11.2016 except Respondent No. 1 in T.P. (C) No. 1966 of 2016 to whom notice issued through Mr. Nischal Kumar Neeraj, Advocate who has on 23rd November, 2016 filed Vakalatnama and memo of appearance and Respondent no. 2 in T.P. (C) No. 1958 of 2016 to whom notice issued through Mr. Vivek Narayan Sharma, Advocate who has on 24th November, 2016 filed Vakalatnama and Memo of appearance.

Service position of each matter is as under :-

TRANSFER PETITION (CIVIL) NOS. 1958 - 1967 OF 2016

There are two respondents – writ petitioners in T.P. (C) No. 1958 of 2016 and each sole respondent – writ petitioner in each T.P. Nos. 1959 to 1967 of 2016.

It is submitted that Ld. Counsel for the Petitioner has on 1st December, 2016 filed Affidavit of dasti service on respondents -writ petitioners in T.P. (C) Nos. 1958-1966 of 2016 after effecting service on them either personally or through their Counsels representing them in the High Court and also, filed proof in T.P. (C) No. 1967 of 2016 (@ W.P. (MD) NO. 21634 of 2016) stating that the said Writ Petition has already been disposed of.

It is further submitted that status report has been received stating W.P. ©No. 11086/2016 is still pending before the High Court and listed on 08-12-2016.

It is also submitted that Respondent no. 2 in T.P. (C) No. 1958 of 2016 is represented through Mr. Vivek Narayan Sharma, Advocate ; Respondent no. 1 in T.P. (C) No. 1959 of 2016 is represented through Mr. C.S.N. Mohan Rao, Advocate ; Respondent No. 1 in T.P. (C) No. 1963 of 2016 is represented through Mr. Romy Chacko, Advocate.

It is lastly submitted that Mr. Nischal Kumar Neeraj, Advocate on behalf of Respondent no. 1 – writ petitioner in T.P. (C) No. 1966 of 2016 (@W.P. (C) No. 3056 of 2016) has on 26th November, 2016 filed Counter Affidavit and an application for clarification of Hon'ble Court's Order dated 23.11.2016 after serving its copy on Ld. Counsel for the Petitioner but has not served on the respondents represented through Advocates. Copy of the Counter Affidavit and the application are being circulated herewith for kind perusal of the Hon'ble Court. The said application has been registered as Interlocutory Application No. 12 of 2016 which was mentioned before the Hon'ble Court on 29th November, 2016 when the Hon'ble Court was pleased to pass the following Order :-

**“Post the application for clarification
withing two weeks before an appropriate
bench.”**

It is lastly submitted that Mr. Sunil Kumar Verma, Advocate for Sangli Dist. Central Co-op. Bank Ltd., has on 29th November, 2016 filed an application for Intervention in T.P. (C) No. 1958 of 2016 after serving its copy on the Advocates namely Ms. Anil Katiyar, Mr. Nischal Kumar Neeraj and Mr. Vivek Narayan Sharma, Advocate. The said application has been registered as Interlocutory Application No. 11 of 2016. Copy of the same is being circulated herewith for kind perusal of the Hon'ble Court.

Service of show cause notice is complete on all the respondents – writ petitioners except Respondent No. 1 in T.P. (C) No. 1967 of 2016.

TRANSFER PETITION (CIVIL) NOS. 1982 - 1996 OF 2016

There are two respondents – writ petitioners in each T.P. (C) Nos. 1984/16, 1989/2016 and 1993/2016 and each sole respondent – writ petitioner in each T.P. Nos. 1982 to 1983 of 2016, 1985 to 1988 of 2016, 1990 to 1992 of 2016 and 1994 to 1996 of 2016.

It is submitted that Ld. Counsel for the Petitioner has on 1st December, 2016 filed Affidavit of dasti service on respondents -writ petitioners in T.P. (C) Nos. 1982 - 1988 of 2016 and 1990 - 1995 after effecting service on them either personally or through their Counsels representing them in the High Court and also, filed proof in T.P. (C) No. 1989 of 2016 (@ W.P. (C) No. ST 3028 of 2016) stating that the said Writ Petition has already been disposed of as withdrawn and also, stated without proof/affidavit that in T.P. (C) No. 1996 of 2016 (@ W.P. (C) No. 11130 of 2016) the said Writ Petition has already been dismissed.

It is further submitted that Mr. Kanishk Sinha is appearing as Respondent-in-person in T.P. © No. 1984 of 2016 and he has also filed Counter Affidavit after serving its copy on the other side. Copy of the same has been included in the paper books.

It is also submitted that Respondent no. 1 in T.P. (C) No. 1985 of 2016 is represented through Mr. Sudhansh S. Choudhari, Advocate who has filed Counter Affidavit on his behalf after serving its copy on the Ld. Counsel for the Petitioner. Copy of the same is being circulated herewith for kind perusal of the Hon'ble Court.

It is lastly submitted that Respondent no. 1 in T.P. (C) No. 1986 of 2016 is represented through Ms. Anagha S. Desai, Advocate ; Respondent No. 1 in T.P. (C) No. 1987 of 2016 is represented through M/s. S.M. Jadhav & Co., Advocates and Respondent No. 1 in T.P. (C) No. 1991 of 2016 is represented through Mr. T.R.B. Sivakumar, Advocate.

It is submitted that Respondent No. 1 in T.P. (C) No. 1983 of 2016 filed an application to appear and argue in person alongwith the Counter affidavit but that is found defective. Copy of the unregistered application alongwith counter affidavit is being circulated herewith for kind perusal of the Hon'ble Court.

It is lastly submitted that certificate of service has been received from High Court stating that Respondent No. 1 in T.P. © No. 1996/2016 has been served but no one has filed Vakalatnama and memo of appearance on his behalf so far.

Service of show cause notice is complete on all the respondents – writ petitioners except Respondent No. 1 in T.P. (C) No. 1967 of 2016.

The matters above-mentioned are listed before the Hon'ble Court with this Office Report.
Dated this the 03rd day of December, 2016.

ASSISTANT REGISTRAR

Copy to :

1. Ms. Anil Katiyar, Advocate
2. Mr. Nischal Kumar Neeraj, Advocate
3. Mr. Vivek Narayan Sharma, Advocate
4. Mr. C.S.N. Mohan Rao, Advocate
5. Mr. Romy Chacko, Advocate
6. Mr. Sunil Kumar Verma, Advocate / Intervenor
7. Mr. Sudhanshu S. Choudhari, Advocate
8. Ms. Anagha S. Desai, Advocate
9. M/s S.M. Jadhav & Co., Advocate
10. Mr. T.R.B. Sivakumar, Advocate

MC

ASSISTANT REGISTRAR