

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 765, 4929, 5454, 7758, 7930, 7936, 7937, 7938, 7940, 7941, 7942, 7943, 7945, 7946, 7947, 7948, 7949, 7950, 9612, 10558, 10559, 10560, 10561, 11143, 11145, 11146, 13106, 13163, 13214, 13239, 16325, 16577, 16579, 16580, 17694, 19787, 19809, 19810, 19811, 19812, 19813, 19815, 21651, 21652, 21653, 21654, 21655, 22734, 24281, 26795 OF 2014 AND 11348 OF 2015

WITH
PRAYER FOR INTERIM RELIEF

Commissioner of Central Excise Chandigarh and Anr.Petitioners

-Versus-

M/s. PML Industries Ltd. Etc.Etc.Respondents

OFFICE REPORT

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 765, 4929, 5454, 7758, 7930, 7936, 7937, 7938, 7942,7941, 7943, 7940, 7946, 7945, 7947, 7948, 7949, 7950, 9612, 10558, 10559, 10560, 10561, 11143, 11145 AND 11146 OF 2014

The matters above-mentioned were listed before the Hon'ble Court on 25th April, 2014 with office report, when the Court was pleased to pass the following order:-

“List the matters on 26th August,2014, for final disposal.

Counter affidavit may be filed within four weeks from today

Rejoinder affidavit, if any, may be filed within two weeks thereafter.

In the meantime, service shall be completed in all the matters.”

It is submitted that the Hon'ble Court has directed issue of notice in the said matters on various dates and the Service position in each of the matter is as under:-

S.L.P. © No. 765, 7945 AND 7948 OF 2014

It is submitted that no one has filed vakalatnama/appearance on behalf of the sole respondent in these matters though served with the notice.

S.L.P. © No. 7930 OF 2014

It is submitted that Mr. Subhashish Bhowmick, Advocate has on 18th July, 2014 filed Vakalatnama/Appearance on behalf of the sole respondent. Counter affidavit has also been filed and the copy of the same has been included in the paper books.

S.L.P. © No. 7942 OF 2014

It is submitted that Mr. Garvesh Kabra, Advocate has on 29th April, 2014 filed Vakalatnama/Appearance on behalf of the sole respondent but has not filed counter affidavit so far.

S.L.P. © No. 7943, 7949 OF 2014

It is submitted that Mr. Sanjiv Malhotra, Advocate has on 4th September, 2014 filed Vakalatnama/Appearance on behalf of the sole respondent but has not filed counter affidavit so far.

S.L.P. © No. 7945 OF 2014

It is submitted that A.D. Card duly signed and stamped has been received back from the sole respondent but no one has filed Vakalatnama/Appearance on behalf of the said respondent so far.

S.L.P. © No. 7946 OF 2014

It is submitted that the sole respondent is represented through Advocate but the counsel for sole respondent has not filed counter affidavit so far. Hence no Rejoinder Affidavit.

S.L.P. © No. 9612 OF 2014

It is submitted that Mr. Subhashish Bhowmick, Advocate has on 18th July, 2014 filed Vakalatnama/Appearance on behalf of sole respondent but has not filed counter affidavit so far.

S.L.P. © No. 13214 OF 2014

It is submitted that Mr. Naresh Kumar, Advocate has filed Vakalatnama/Appearance on behalf of the sole respondent but has not filed the counter affidavit so far.

S.L.P. © Nos. 21651, 21654 OF 2014

It is submitted that show cause notice was issued to the sole respondent in the said matters through Regd. A.D. Post. Neither A.D. Card nor unserved cover containing the notice has been received back from the sole respondent so far.

The office report regarding service position was listed before Ld. Registrar's Court from time to time and lastly on 4th January, 2016, when the following order was passed:-

“SLP(C) No. 21651/2014

The Ld. Counsel for the sole respondent has failed to file the counter affidavit within the period stipulated under the rules. Viewed, in that context, the matter shall be processed for listing before the Hon'ble Court on its own turn.

SLP(C) No. 21654/2014

Four weeks time, as last chance is given to the learned counsel for the petitioners for filing the affidavit in proof of dasti service of notice already issued to the respondent.

List again on 23.2.2016.”

S.L.P. © No. 21651 OF 2014

It is submitted that the sole respondent is represented through Advocate but the counsel for sole respondent has not filed counter affidavit in this matter so far.

S.L.P. © No. 21654 OF 2014

It is submitted that counsel for the petitioner has filed affidavit of dasti service alongwith proof of service which shows that the notice has been served on the sole respondent on 31st August, 2015 but no one has filed Vakalatnama/Appearance on behalf of the sole respondent so far. Service of notice is complete.

S.L.P. © Nos. 21652, 21653 AND 21655 OF 2014

It is submitted that as per request of the counsel for the petitioner dasti notice was handed over to the counsel for the petitioner for effecting service of notice on the sole respondent with a request to file affidavit of service alongwith

proof of service. The counsel for the petitioner has on 15th September, 2015 filed affidavit of service alongwith proof of service which shows that notice has been served on 26th August 2015 on the sole respondent in these matters but no one has filed Vakalatnama/Appearance on behalf of the sole respondent in these matters so far. Service of notice is complete in these matters.

S.L.P. © Nos. 4929, 5454, 7758, 7936, 7937, 7938, 7940, 7941, 7947, 7950, 10558, 10559, 10560, 10561, 11143, 11145, 11146, 13106, 13163, 13239, 16325, 16577, 16579, 16580, 17694, 19787, 19809, 19810, 19811, 19812, 19813, 19815, 22734, 24281 and 26795 OF 2014

It is submitted that show cause notice was issued to the sole respondent in these matters. Neither A.D. Card nor unserved cover containing the notice has been received back from the sole respondent so far.

It is further submitted that counsel for the petitioners has not taken any fresh steps for service of notice on the sole unserved respondents in these matters so far.

S.L.P. © No. 11348 OF 2015

The matter was listed before Hon'ble Court on 6th April, 2015, when the court was pleased to pass the following order:-

**“Issue notice on the application for condonation of delay
as well as on the Special Leave Petition.
Tag with SLP (C) 21652 of 2014.”**

Accordingly, show cause notice was issued to the sole respondent by Regd. A.D. Post on 24th April, 2015. Neither A.D. Card nor unserved cover containing the notice has been received back from the sole respondent so far.

The matters are listed before the Hon'ble Court with this Office Report.

Dated this the 1st Day of February, 2016.

ASSISTANT REGISTRAR

Copy to :-

1. Mr. B.K. Prasad, Advocate
Central Agency Section.
2. Mr. M.P. Devanath, Advocate
5, Jangpura Extn., Link Road,
New Delhi-110014.
3. Mr. Rajesh Kumar, Advocate.
4. Mr. Subhashish Bhowmick, Advocate.
5. Mr. Garvesh Kabra, Advocate.
6. Mr. Sanjeev Malhotra, Advocate
7. Mr. Shoeb Alam, Advocate
8. Mr. Naresh Kumar, Advocate
9. Mr. Mohit D. Ram, Advocate

ASSISTANT REGISTRAR

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