

SECTION IIIB

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 6297 OF 2012

WITH

CIVIL APPEAL NOS.652, 653, 1151, 3111, 3112, 3113, 3114, 3128, 3129, 3130 3131, 3132, 3133, 3134, 3136, 3137, 3138, 3139, 3140, 3141, 3398, 3399, 3400, 3403, 3598, 6298, 6299, 6300, 6301, 6352, 3309 of 2012, SLP(C) NO.33181 OF 2014, CIVIL APPEAL NOS.3396, 651 OF 2012, 5487 AND 5486 OF 2016

WITH

INTERLOCUTORY APPLICATION NOS.1 & 4

(Application for Condonation of delay in filing the Appeal and Application for Amendment of Cause Title in Civil Appeal No.6352 of 2012))

AND

INTERLOCUTORY APPLICATION NO.1

(Application for permission to file additional documents)

IN

CIVIL APPEAL NO.5487 OF 2016

AND

INTERLOCUTORY APPLICATION NO.1

(Applications for permission to file additional documents in C.A. No.5486 of 2016)

AND

PRAYER FOR INTERIM RELIEF IN SLP (C) NO. 33181 of 2014

M/s Huawei Technologies Co. Ltd. etc.

.....Appellants

-VERSUS-

Designated Authority, Ministry of Commerce
& Industries & Ors. Etc.

....Respondents

OFFICE REPORT

CIVIL APPEAL NO. 6297 OF 2012 WITH CIVIL APPEAL NOS.652, 653, 1151, 3111, 3112, 3113, 3114, 3128, 3129, 3130 3131, 3132, 3133, 3134, 3136, 3137, 3138, 3139, 3140, 3141, 3398, 3399, 3400, 3403, 3598, 6298, 6299, 6300, 6301, 6352, 3309 of 2012, SLP(C) NO.33181 OF 2014, CIVIL APPEAL NOS.3396, 651 OF 2012,

The matters above-mentioned were listed before Hon'ble Court on 13.10.2015, when the Court was pleased to pass the following Order:

“List the appeals before some other Bench of which one of us (Hon. Rohinton Fali Nariman, J) is not a member.

Liberty to mention.”

Service Position of the matters is as under:

CIVIL APPEAL NO.6297 OF 2012

It is submitted that there are three respondents. Service of Notice of lodgement of Petition of Appeal is complete as Respondent Nos.1 & 2 are represented through Mr. B.K. Prasad, Advocate and Respondent No.3 is represented through Mr. Rakesh Kumar Sharma, Advocate.

It is further submitted that the Counsel for the Appellant has filed Statement of Case. Copies of the same have been included in the Paper Books.

Appeal is ready for hearing.

CIVIL APPEAL NO. 652 OF 2012

It is submitted that there are five respondents. Service of Notice of lodgement of petition of Appeal is complete as Respondent Nos. 1 and 2 are represented through Mr. B.K. Prasad, Advocate. Respondent Nos. 3 and 4 are represented through M/s. AP&J Chambers, Advocates. A/D Card duly signed and stamped has been received in respect of Respondent No. 5, but no one has filed Vakalatnama/appearance on behalf of the said respondent so far.

It is further submitted that Counsel for the Appellant has filed Statement of Case. Copies of the same have been placed in separate volumes with Appeal paper books.

Appeal is ready for hearing.

CIVIL APPEAL NO. 653 OF 2012

It is submitted that there are four respondents. Service of Notice of lodgement of petition of Appeal is complete as Respondent Nos. 1 and 2 are represented through M/s. AP&J Chambers, Advocates. Respondent No. 3 is represented through Mr. Bijoy Kumar Jain, Advocate and Respondent No. 4 is represented through Ms. Praveena Gautam, Advocate.

Appeal is ready for hearing.

CIVIL APPEAL NO.1151 OF 2012

It is submitted that there are four respondents. Service of Notice of lodgement of petition of Appeal is complete as respondent nos.1 & 2 are represented through Mr. B.K.Prasad, Advocate, respondent no.3 is represented through Mr. Bijoy Kumar Jain, Advocate and respondent no.4 is represented through Ms. Praveena Gautam, Advocate.

It is further submitted that Counsel for the Appellant and Counsel for Respondent Nos.1 & 2 have filed Statement of Case. Copies of the same have been included in the Paper Books.

Appeal is ready for hearing.

CIVIL APPEAL NO. 3111 OF 2012

The matter above mentioned was listed before Hon'ble court on 2nd March, 2012, when the following order was passed:-

**“Delay condoned.
The appeals are admitted.
Tag with Civil Appeal No. 653 of 2012.”**

Accordingly, Notice of lodgement of petition of Appeal was issued to the sole Respondent on 12th August, 2013 through registered A/D Post but neither A/D Card nor unserved Notice was received back.

The Office Report regarding service position was listed before the Registrar Court from time to time and pursuant to order dated 16.7.2014 of Ld. Registrar, dasti notice was issued on 12.9.2014 to the Counsel for the Appellant for effecting service of Notice on the sole Respondent. The office report on default with regard to not filing the affidavit of dasti service along with proof of service in respect of unserved sole respondent, was listed before Hon'ble Judge-in-Chamber on 11th May, 2015, when the following order was passed:-

**“At the request of the earned counsel for the appellant
two weeks' time is granted to her for filing proof of service
of dasti notice for effecting service on the sole respondent.”**

It is submitted that Counsel for the Appellant has not filed proper proof of service along with Affidavit of Service in respect of unserved sole respondent so far.

CIVIL APPEAL NO. 3112 OF 2012

It is submitted that service of Notice of lodgement of petition of Appeal is complete as A/D Card duly signed and stamped has been received from the sole Respondent but no one has filed Vakalatnama/Appearance on behalf of the said Respondent so far.

Appeal is ready for hearing.

CIVIL APPEAL NO. 3113 OF 2012

It is submitted that service of Notice of lodgement of petition of Appeal is complete as A/D Card duly signed and stamped has been received from the sole

Respondent but no one has filed Vakalatnama/Appearence on behalf of the said Respondent so far.

Appeal is ready for hearing.

CIVIL APPEAL NO. 3114 OF 2012

The matter above mentioned was listed before Hon'ble court on 2nd March, 2012, when the following order was passed:-

**“Delay condoned.
The appeals are admitted.
Tag with Civil Appeal No. 653 of 2012.”**

Accordingly, Notice of lodgement of petition of Appeal was issued to the sole Respondent on 28th April, 2012 through registered A/D Post but neither A/D Card nor unserved Notice was received back.

The Office Report regarding service position was listed before the Registrar Court from time to time and lastly listed before the Hon'ble Judge-in-Chamber on 6th May, 2015, when the following order was passed:-

“Prayer seeking permission to take out dasti notice upon the unserved respondents is rejected. Learned counsel for the petitioners is directed to take necessary steps to serve unserved respondents within two weeks.”

Accordingly, fresh Notice of lodgement of petition of Appeal was issued to the sole respondent on 27th May, 2015 through Registered A/D Post. Neither A/D Card nor unserved cover containing the said Notice has been received back from the sole Respondent. Counsel for the Appellant has filed Statement of Case. Copies of the same have been included in the paper books.

CIVIL APPEAL NO. 3128 OF 2012

It is submitted that service of Notice of lodgement of petition of Appeal is complete as AD Card duly signed has been received from the sole Respondent but no one has filed Vakalatnama/Appearence on behalf of the said Respondent so far.

It is further submitted that Counsel for the Appellant has filed Statement of Case. Copies of the same have been included in the paper books.

Appeal is ready for the hearing.

CIVIL APPEAL NO. 3129 OF 2012

It is submitted that there are three Respondents. Counsel for the appellant has on 17th November, 2014 filed affidavit of Dasti service along with proof of service which shows that the notice has been served on all the three Respondents on

10.11.2014, but no one have filed Vakalatnama/Appearence on behalf of the said respondents so far.

It is further submitted that Counsel for the Appellant has filed Statement of Case. Copies of the same have been included in the paper books.

Appeal is ready for the hearing.

CIVIL APPEAL NOs. 3130 and 3131 OF 2012

It is submitted that service of Notice of lodgement of petition of Appeal is complete as A/D Card duly signed and stamped has been received from the sole Respondent in both the matters but no one has filed Vakalatnama/Appearence on behalf of the sole Respondent so far.

It is further submitted that Counsel for the Appellant has filed Statement of Case in both the appeals. Copies of the same have been included in the paper books.

Appeals are ready for hearing.

CIVIL APPEAL NO. 3132 OF 2012

It is submitted that there are two Respondents. Service of Notice of lodgement of petition is complete as A/D Cards duly signed and stamped have been received from both the respondents but no one has filed Vakalatnama/Appearence on behalf of both the respondents so far.

Appeal is ready for hearing.

CIVIL APPEAL NO. 3133 OF 2012

It is submitted that service of Notice of lodgement of petition of Appeal is complete as the sole respondent is represented through MR. M.P.Devanath, Advocate.

It is further submitted that counsel for both the parties have filed statement of case. Copies of the same have been included in the paper books.

Appeal is ready for hearing.

CIVIL APPEAL NO. 3134 OF 2012

The matter above mentioned was listed before Hon'ble Court on 2nd March, 2012, when the following order was passed:-

**“Delay condoned.
The appeals are admitted.
Tag with Civil Appeal No. 653 of 2012.”**

Accordingly Notice of lodgement of petition of Appeal was issued to all the 14 respondents on 19th April, 2012. Respondent no. 1 is represented through M/s AP&J Chambers, Advocates. A/D Card duly signed and stamped has been received from respondent no.8. Neither A/D Card nor unserved cover containing the said notice was received back from the remaining respondents.

The Office Report regarding service position was listed before the Registrar Court from time to time and lastly listed before the Hon'ble Judge-in-Chamber on 6th May, 2015, when the following order was passed:-

“Prayer seeking permission to take out dasti notice upon the unserved respondents is rejected. Learned counsel for the petitioners is directed to take necessary steps to serve unserved respondents within two weeks.”

Accordingly, fresh Notice of lodgement of petition of Appeal was issued to unserved Respondents Nos. 2,3,4,6,7,9,10,11,12,13 and 14 on 29th May, 2015. AD Card duly signed and stamped has been received in respect of respondent no. 10. Neither AD Card nor unserved cover containing the said notice has been received back from rest of the respondents. Service of notice is complete on respondent nos. 1,8 and 10 only.

CIVIL APPEAL NO. 3136 OF 2012

The matter above mentioned was listed before Hon'ble court on 2nd March, 2012, when the following order was passed:-

**“Delay condoned.
The appeals are admitted.
Tag with Civil Appeal No. 653 of 2012.”**

Accordingly, Notice of lodgement of petition of Appeal was issued to all the 15 Respondents on 11th April, 2012. A/D Cards duly signed and stamped have been received from Respondent Nos. 2,3,4,5,6,7,9 and 12, but no one has filed Vakalatnama/Appearance on behalf of the said respondents.

The Office Report regarding service position (in respect of unserved respondents) was listed before the Registrar Court from time to time and lastly listed before the Hon'ble Judge-in-Chamber on 6th May, 2015, when the following order was passed:-

“Prayer seeking permission to take out dasti notice upon the unserved respondents is rejected. Learned counsel for the petitioners is directed to take necessary steps to serve unserved respondents within two weeks.”

Accordingly, fresh Notice of lodgement of petition of Appeal was issued on 2nd June, 2015 to unserved Respondent Nos. 1,8,10,11,13,14 and 15. Neither the A/D Card nor unserved cover containing the said notice has been received back from the said respondents so far.

CIVIL APPEAL NO.3137 OF 2012

It is submitted that service of Notice of lodgement of Petition of Appeal is complete as duplicate copy of notice duly signed and stamped has been received on 17.4.2012 from the sole respondent, but no one has filed Vakalatnama/Appearence on behalf of the said respondent so far.

It is further submitted that Counsel for the appellant has filed Statement of Case. Copies of the same have been included in the Paper Books.

Appeal is ready for hearing.

CIVIL APPEAL NO.3138 OF 2012

It is submitted that service of Notice of lodgement of Petition of Appeal is complete as the sole respondent is represented through Mr. Harish Pandey, Advocate.

Appeal is ready for hearing.

CIVIL APPEAL NO.3139 OF 2012

It is submitted that service of Notice of lodgement of Petition of Appeal is complete as A/D Card duly signed and stamped has been received from the sole respondent, but no one has filed Vakalatnama/Appearence on behalf of the sole respondent so far.

It is further submitted that Counsel for the Appellant has filed Statement of Case. Copies of the same have been included in the Paper Books.

Appeal is ready for hearing.

CIVIL APPEAL NO.3140 OF 2012

It is submitted that there are two respondents. Service of Notice of lodgement of Petition of Appeal is complete on respondent no.1 as A.D. Card duly signed has been received but no one has filed Vakalatnama/Appearence on behalf of Respondent No.1 so far.

It is further submitted that Mr. Harish Pandey, Advocate has on 29th November, 2014 filed Vakalatnama/Appearence on behalf of Respondent no.2 which shows that name of respondent company has been changed from M/s Nicholas Piramal India Ltd. To M/s DSM Nutritional Products Ltd. Counsel for the Appellant

was requested vide this Registry's letter dated 1.12.2014 to file application for amendment of cause title, but he has not done the needful so far.

The Office Report in this regard was listed before the Ld. Registrar Court from time to time and lastly listed before the Hon'ble Judge in Chamber on 4.8.2015 when the following order was passed:-

“Two weeks' time is granted to learned counsel for the appellants to comply with the office report dated 5th May, 2015.”

It is submitted that Counsel for the appellant has not filed application for amendment of cause title so far.

CIVIL APPEAL NO.3141 OF 2012

It is submitted that service of Notice of lodgement of Petition of Appeal is complete on the sole respondent as A/D Card duly signed and stamped has been received from the sole respondent, but no one has filed Vakalatnama/Appearence on behalf of the sole Respondent so far.

Appeal is ready for hearing.

CIVIL APPEAL NO.3398 OF 2012

It is submitted that service of Notice of lodgement of Petition of Appeal is complete as the sole respondent is represented through Mr. M.P. Devanath, Advocate.

It is further submitted that counsel for Appellant has filed statement of case. Copies of the same have been included in the paper books.

Appeal is ready for hearing.

CIVIL APPEAL NO.3399 OF 2012

It is submitted that as per order of the Hon'ble Court dated 2nd April, 2012 Notice of Lodgment of Peition of Appeal was issued to the sole Respondent through Regd. A.D. Post on 5th November, 2012. Neither the A.D. Card nor the unserved cover containing the said notice was received back from the sole Respondent.

It is further submitted that as per the order of Ld. Registrar order dated 26th June, 2013, Dasti Notice was issued to the Counsel for the appellant for effecting service on the sole respondent with a request to file affidavit of dasti service alongwith proof of service. The counsel for the appellant has not filed proof of service alongwith affidavit of dasti service.

The office report regarding service position was listed before the Ld. Registrar Court from time to time and lastly listed before the Hon'ble Judge in Chamber when the following order was passed:-

“The counsel for the appellants prays for and is granted four weeks' time to comply with the office report dated 8th January, 2015.”

It is submitted that the counsel for the appellant has not filed affidavit of Dasti Service alongwith proof of service in respect of unserved sole respondent so far.

CIVIL APPEAL NO.3400 OF 2012

It is submitted that as per order of the Hon'ble Court dated 2nd April, 2012 Notice of Lodgment of Peition of Appeal was issued to all the Respondents through Regd. A.D. Post on 22nd November, 2012. Neither the A.D. Card nor the unserved cover containing the said notice was received back from all the Respondents so far.

It is further submitted that as per the order of Ld. Registrar order dated 26th June, 2013, Dasti Notice was issued to the Counsel for the appellant for effecting service on all the five respondent with a request to file affidavit of dasti service alongwith proof of service. The counsel for the appellant has not filed affidavit of dasti service alongwith proof of service so far.

CIVIL APPEAL NO.3403 OF 2012

It is submitted that there are 2 Respondents. Service of Notice of lodgement of Petition of Appeal is complete as Respondent no.1 is represented through Mr. M.P. Devanath, Advocate. A/D Card duly signed has been received in respect of Respondent no.2 but no one has filed Vakalatnama/Appearance on behalf of Respondent No.2 so far.

It is further submitted that Counsel for the appellant and Counsel for the respondent no.1 have filed statement of case. Copies of the same have been filed in the paperbooks.

Appeal is ready for hearing.

CIVIL APPEAL NO.3598 OF 2012

It is submitted that Service of Notice of lodgement of Petition of Appeal is complete as the sole respondent is represented through Mr. M.P. Devanath, Advocate.

It is further submitted that counsel for the respondent has filed statement of case. Copies of the same have been included in the paper books.

Appeal is ready for hearing.

CIVIL APPEAL NO.6298 OF 2012

It is submitted that there are four respondents. Service of Notice of lodgement of petition of Appeal is complete as Respondent Nos. 1 & 2 are represented through Mr. B.K.Prasad, Advocate, Respondent No.3 is represented by

Mr. Rakesh Kumar Sharma, Advocate and Respondent No.4 is represented through Mr. M.P.Devanath, Advocate.

Appeal is ready for hearing.

CIVIL APPEAL NO.6299 and 6300 OF 2012

It is submitted that there are three common respondents. Service of Notice of lodgement of petition of Appeal is complete as common respondent nos.1 & 2 are represented through Mr. B.K.Prasad, Advocate in Civil Appeal No.6300 of 2012 but he has not filed Vakalatnama/ Appearance in Civil Appeal No. 6299 on behalf of Respondents 1 & 2. Respondent No.3 is represented through Mr. Sanjay Sharawat, Advocate in both the Appeals.

It is further submitted that Counsel for appellant and Counsel for respondent nos.1 & 2 have filed Statement of Case in both the Appeals, but Counsel for respondent no.3 has filed Statement of Case in Civil Appeal No.6299 of 2006 only. Copies of the same have been included in the Paper Books.

Appeals are ready for hearing.

CIVIL APPEAL NO.6301 OF 2012

It is submitted that there are four respondents. Service of Notice of lodgement of Petition of Appeal is complete as respondent nos.1 & 2 are represented through Mr. B.K.Prasad, Advocate and respondent nos.3 & 4 are represented through Mr. Sanjay Sharawat, Advocate.

It is further submitted that Counsel for appellant has filed Statement of Case. Copies of the same have been included in the Paper Books.

CIVIL APPEAL NO.6352 OF 2012

It is submitted that as per Hon'ble Court's order dated 31.8.2012, Show Cause Notice was issued on the Application for condonation of delay as well as on Appeal on 19.8.2013 through Regd. A/D Post to all the three respondents. Service of Notice is complete as respondent nos.1 & 2 are represented through through Mr. B.K.Prasad, Advocate and Respondent No.3 is represented through Mr. Praveen Kumar, Advocate.

It is further submitted that Mr. Praveen Kumar, Counsel for Respondent No.3 has on 28.4.2014 filed application for amendment of cause title for changing the name of respondent No.3 Company from M/s Nicholas Piramal (India) Ltd. To M/s Piramal Enterprises Ltd. The said application has been registered as Interlocutory Application No.4.

CIVIL APPEAL NO.3309 OF 2012

It is submitted that service of Notice of lodgement of Petition of Appeal is complete on the sole respondent as counsel for the appellant has filed proof of service along with affidavit of service which shows that the notice has served on the sole respondent on 10.09.2013 but no one has filed Vakalatnama/Appearence on behalf of the said respondent so far.

Appeal is ready for hearing.

SPECIAL LEAVE PETITION © NO.33181 OF 2014

The matter above-mentioned has been filed by Mr. Devashish Bharuka, Advocate on behalf of the Petitioner against the Final Order/Judgment dated 30th October, 2014 of the Central Excise Service Tax Appellate Tribunal at New Delhi in Stay Application No.1669 of 2012.

The said matter was listed before the Hon'ble Court on 8.12.2014, when the following order was passed :

“Tag with Civil Appeal No.6297 of 2012”

CIVIL APPEAL NO.3396 OF 2012

It is submitted that there are two respondents. Service of Notice of lodgement of Petition of Appeal is complete as A.D. Card duly signed and stamped has been received in respect of respondent no.1. Counsel for the Appellant has filed proof of service along with affidavit of service which shows that the notice has been served on respondent no.2 on 27.01.2014 but no one has filed Vakalatnama/Appearence on behalf of both the respondents so far.

It is further submitted that counsel for the appellant has filed statement of case. Copies of the same have been included in the paper books.

Appeal is ready for hearing.

CIVIL APPEAL NO.651 OF 2012

It is submitted that there are five respondents. Service of Notice of lodgement of Petition of Appeal is complete as respondent no.3 is represented through M/s AP&J, Advocates. Respondent no.5 is represented through Ms Parveena Gautam, Advocate. Certificate of service has already been received from the concerned High Court in respect of respondent no. 1,2 and 4 but no one has filed Vakalatnama/Appearence on behalf of the said respondents so far.

It is further submitted that counsel for respondent no.5 has filed statement of case. Copies of the same have been included in the paper books.

Appeal is ready for hearing.

CIVIL APPEAL NOS.5487 AND 5486 OF 2016

The matters above-mentioned were listed before Hon'ble Court on 1.7.2016, when Hon'ble Court was pleased to pass the following order:

**“Leave granted.
Tag with Civil Appeal No.6297 of 2012”**

It is submitted that there are 35 respondents in Civil Appeal No. 5486 of 2016. Respondent Nos. 5 to 15, 23, 24 and 33 have been deleted vide Court's Order dated 19.09.2016. Notice of Lodgment of Petition of Appeal was issued to remaining 21 respondents through Regd. AD on 17.10.2016. Respondent No.3 is represented through Counsel. Service awaited from respondent Nos. 1, 2, 4, 16-22, 25-32 and 34-35.

It is submitted that there are 34 respondents in Civil Appeal No. 5487 of 2016. Respondent No. 3 is represented by Counsel. Notice of Lodgment of Petition of Appeal was issued to remaining 33 respondents through Regd. AD on 05.08.2016. Neither AD Card nor unserved cover containing notice has been received back so far.

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

Dated this the 24th day of October, 2016.

ASSISTANT REGISTRAR

Copy to :

1. Mr. Devashish Bharuka, Advocate
69, Lawyer's Chamber
2. Mr. B.K.Prasad, Advocate
Central Agency Section
3. Mr. Rakesh Kr. Sharma, Advocate,
16, Lawyer's Chambers, Supreme Court
4. M/s AP&J Chambers, Advocate,
12, Lawyers Chambers
5. Mr. Bijoy Kumar Jain, Advocate,
7, Tolstoy Marg, New Delhi
6. Ms. Praveena Gautam, Advocate,
110, Lawyers Chamber
7. Mr. B.K.Prasad, Advocate
Central Agency Section.
8. Mr. M.P.Devanath, Advocate,
5, Jangpura Exgn., Link Road, New Delhi
9. Mr. Sanjay Sharawat, Advocate,
213, New Lawyer's Chambers
10. Mr. Harish Pandey, Advocate.
11. Mr. Praveen Kumar, Advocate
12. Mr. Pawanshree Agarwal, Advocate
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ASSISTANT REGISTRAR

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