

SECTION IIIB

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3114, 3111, 3134, 3136, 3140, 3400 OF 2012,
5487 AND 5486 OF 2016

Union of India & Anr. etc.

.....Appellants

-VERSUS-

M/s. Gharda Chemicals Ltd. Etc.

....Respondents

OFFICE REPORT

The matters above-mentioned were listed before Hon'ble Court on 26.10.2016, when the Court was pleased to pass the following Order:

“List these matters after service is complete, preferably in the last week of January, 2017.”

CIVIL APPEAL NO. 3114 OF 2012

It is submitted that 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.

CIVIL APPEAL NO. 3111 OF 2012

It is submitted that Counsel for the Appellant has not filed spare copy for effecting service of notice on sole respondent so far.

It is further submitted that the Counsel for the Appellant has filed affidavit of service alongwith proof which is not proper and this fact has been brought in notice of the Hon'ble Court.

CIVIL APPEAL NO. 3134 OF 2012

It is submitted that 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.”

It is submitted that 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

It is submitted that 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/Appearence 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.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.3400 OF 2012

It is submitted that 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 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. Neither AD Card nor unserved cover containing notice has been received 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 10th day of January, 2017.

ASSISTANT REGISTRAR

Copy to :

1. Mr. B. Krishna Prasad, Advocate
Central Agency Section, Supreme Court of India

ASSISTANT REGISTRAR

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