

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

**PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 389, 395, 6735-40,
36345, 37979 OF 2016**

**WITH
PRAYER FOR INTERIM RELIEF**

The Commissioner of Central Excise Etc.Petitioners

Versus

M/s. A.R. Metallurgicals Pvt. Ltd. Etc.Respondents

OFFICE REPORT

**SPECIAL LEAVE TO APPEAL (C) NOS. 389, 395, 6735-40 AND 36345
OF 2016**

The Office Report was listed before the Ld. Registrar's Court on 23rd January, 2017 when the following order was passed:-

“SLP(C) No. 389/2016

As per proof of dasti filed by the petitioner the company has closed the unit and is not functioning. Hence, Ld. Counsel for the petitioner shall within a period of four weeks file the fresh particulars of the above respondent and he shall also take fresh steps for the service of notice within the same period.

SLP(C) No. 395/2016 & 6735-6740/2016

Four weeks time, as last chance is given to the Ld. Counsel for the petitioner to comply with the terms of the order dated 07.12.2016 of this Court in respect of the unserved respondents.

SLP(C) No. 36345/2016

The sole respondent shall be at liberty to file the counter affidavit within a period of four weeks.

List the matter again on 02.03.2017.”

SLP (Civil) No. 389 of 2016

It is submitted that Counsel for the petitioner has not filed fresh particulars of sole respondent so far.

It is further submitted that Counsel for the petitioner has on 30th January, 2017 filed a letter stating therein that he may be issued Dasti Notice to serve unserved sole respondent. Accordingly fresh dasti notice was issued on 13th

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February, 2017 to the counsel for the petitioner with a request to file affidavit of dasti service alongwith proof of service within 28 days as per Ld. Registrar's order dated 2nd February, 2017. Affidavit of Dasti Service alongwith proof of service are awaited in respect of sole respondent.

SLP (Civil) No. 395 of 2016

It is submitted that the counsel for the petitioner has not filed a copy of SLP for issue of fresh showcause notice to unserved respondent no. 2 so far.

It is further submitted that Counsel for the petitioner has on 30th January, 2017 filed a letter stating therein that he may be issued Dasti Notice to serve unserved respondent no. 2. Accordingly fresh dasti notice was issued on 13th February, 2017 to the counsel for the petitioner with a request to file affidavit of dasti service alongwith proof of service within 28 days as per Ld. Registrar's order dated 2nd February, 2017. Affidavit of Dasti Service alongwith proof of service are awaited in respect of unserved respondent no. 2.

It is again submitted that the Vakalatnama / Appearance filed by Counsel for respondent no. 1 shows that respondent no. 2 (Director of the respondent no. 1 Company) has executed the Vakalatnama / Appearance and the counsel for respondent no. 1 has not clarified in this regard.

SLP (Civil) No. 6735-40 of 2016

It is submitted that the counsel for the petitioner has not filed a copies of SLP for issue of fresh showcause notice to unserved common sole respondent in the fresh four addresses furnished by the Counsel for the Petitioner so far. Service is incomplete.

SLP (Civil) No. 36345 of 2016

It is submitted that the counsel for the sole respondent has on 15th February, 2017 filed Counter Affidavit.

SLP (Civil) No. 37979 of 2016

The matter above mentioned was listed before the Hon'ble Court on 14th December, 2016 when the court was pleased to pass the following order :-

“Delay Condoned.

Issue notice.

Tag with SLP (C) No. 28309 of 2015.”

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Accordingly, show cause notice was issued to the sole respondent on 19th January, 2017 by Registered A.D. Post. Track Consignment Report of India Post shows that show cause notice has not been delivered to the sole Respondent so far. Service of notice is incomplete.

The Office Report is listed before the Ld. Registrar Court.

Dated this the 01st day of March 2017

ASSISTANT REGISTRAR

Copy to:

1. Mr. B.K. Prasad, Advocate,
Central Agency Section,
2. Ms. Uttara Babbar, Advocate,
112, C.K. Daphtary Block Lawyers Chambers,
3. Ms. Meera Mathur, Advocate
306, New Lawyers Chamber, Supreme Court

ASSISTANT REGISTRAR

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