

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

**PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 389, 395, 6735-40, 37979 OF
2016
WITH
PRAYER FOR INTERIM RELIEF**

The Commissioner of Central Excise Etc.

...Petitioner(s)

-VERSUS-

M/s. A.R. Mettallurgicals Pvt. Ltd. Etc.

...Respondent(s)

OFFICE REPORT

The Office Report was listed before the Ld. Registrar's Court on 02nd March, 2017, when the following order was passed:-

“SLP(C) No.389/2016

Ld.counsel for the petitioner shall file the affidavit in proof of dasti service of notice already issued to the sole respondent within a period of four weeks.

SLP(C) No. 395/2016

Ld.counsel for the petitioner shall file the affidavit in proof of dasti service of notice already issued to the respondent No.2 within a period of four weeks.

Ld.counsel for the respondent No.1 has already filed the vakalatnama which is defective. Ld.counsel shall rectify the defects whatever have been found in the said vakalatnama within four weeks.

SLP(C) No. 37979/2016

Await the return of service of notice already issued to the sole respondent. As requested by Ld.counsel for the petitioner, dasti is permitted in the interest of justice.

SLP(C) No. 6735-6740/2016

Ld. counsel for the petitioner has failed to take fresh steps in respect of the sole respondent despite opportunities given. However, Ld. counsel for the petitioner seeks dasti service. His request is acceded to in the interest of justice. Hence, Registry to issue dasti notice.

List the matters again on 18.04.2017.”

SLP (C) No. 389 OF 2016

It is submitted that counsel for the petitioner has not filed Affidavit of Dasti service alongwith proof of service in respect of sole respondent.

It is further submitted that Counsel for the petitioner has on 28th March, 2017 filed an application for substituted service in respect of sole respondent for publication in news papers namely “The Hindu” English newspaper (Bengaluru and Tamil Nadu Edition) and “Daily Thanthi” Tamil newspaper (salem Edition) and and state of Karnataka, namely, “The Hindu” English newspaper “Kannada Prabha” Kannada Newspaper (Bengaluru Edition). Accordingly Show Cause Notice for publication was issued on 6th April 2017 to the counsel for the petitioner with request to file affidavit of

publication alongwith proof of publication. But Counsel for the petitioner has not filed affidavit with proof of publication.

SLP (C) No. 395 OF 2016

It is submitted that counsel for the petitioner has not filed Affidavit of dasti service alongwith proof of service in respect of Respondent No. 2 so far.

It is further submitted that counsel for Respondent No. 1 has on 6th March, 2017 filed a letter stating therein that the counsel has been authorized solely to appear for Respondent No. 1 and has no instructions to appear on behalf of Respondent No. 2 though the Vakalatnama/Appearence executed by respondent No. 2 (Director of Respondent NO. 1 company). Copy of the letter is enclosed herewith.

SLP (C) No. 6735-6740 OF 2016

It is submitted that fresh Show Cause Notice was issued on 11th March, 2017 to the sole respondent by Registered A.D. Post. Unserved cover containing the notice has been received back with the postal remark "Party Left. Returned to sender."

It is further submitted that Dasti Notice was also issued on 11th March 2017 to the Counsel for the petitioner with a request to file affidavit of service alongwith proof of service in respect of sole respondent but the counsel for the petitioner has not filed the same so far.

SLP (C) No. 37979 OF 2016

It is submitted that Dasti notice was issued on 11th March, 2017 to the Counsel for the petitioner with a request to file Affidavit of service alongwith proof of service in respect of sole respondent but the counsel for the petitioner has not filed the same so far.

It is further submitted that Mr. T. Mahipal, Advocate has on 15th April, 2017 filed Vakalatnama/Appearence on behalf of sole respondent but has not filed Counter Affidavit so far. Service of notice is complete.

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

Dated this the 17th day of April, 2017.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. B. Krishna Prasad, Advocate
Central Agency Section, Supreme Court of India,
New Delhi-110001.
2. Mr. T. Mahipal, Advocate

ASSISTANT REGISTRAR

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