

SECTION XVII

MATTER FOR : 21.07.2015
R/COURT NO.: 02
ITEM NO. : 90

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 47,6647 AND 7164 OF 2010

Madhya Pradesh Power Trading Co. Ltd. & Anr. Appellants
VERSUS
NTPC Limited & Ors. Respondents

OFFICE REPORT FOR PRE-FINAL

Civil Appeal No.7164 of 2010

The matter above-mentioned was listed before the Hon'ble Court on 04th January, 2010, when the Hon'ble Court was pleased to pass the following order:

**"Delay condoned.
Admitted. Tag with Civil Appeal No. 5200 of
2009."**

It is submitted that there are Six respondents in the matter. Respondent No. 1 is represented through Mr. K.V. Mohan, advocate and he has filed counter affidavit. A.D. cards duly signed in respect of Respondent Nos. 2 to 6 has been received but no one has entered appearance so far. The service of NLPA is complete in the matter.

It is further submitted that the counsel for the appellant has filed the statement of case but counsel for the respondent has not filed the statement of case.

It is further submitted that proviso 32 (2) of Order XIX of New SCR 2013, "Provided that where as respondents, who has entered appearance, does not file a statement of case within the time, as provided in sub-rule (1), it shall be presumed that the respondent does not desire to lodge statement of case in the appeal.

It is further submitted that Original record in the matter has been received and sent back to the concerned Tribunal as per Registry's Circular dt. 03.12.2014.

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Civil Appeal No.7164 of 2010

The matters above-mentioned was listed before the Hon'ble Court on 27th August, 2010, when the Hon'ble Court was pleased to pass the following order:

"Civil Appeal No. D. 21247/2010

Delay condoned.

The civil appeal is admitted.

The appeal shall be listed and tagged with C.A. No. 5442 of 2007 which is already admitted by order dated 26.11.2007.

Until further orders, operation of the impugned order shall remain stayed.

Civil Appeal No. 6647/2010

The civil appeal is admitted.

Prayer for grant of stay is rejected.

Tag this appeal along with Civil Appeal Nos. 6286-88 of 2009, C.A. No. D 22324 of 2009 and Civil Appeal Nos. 4112-4113 of 2009."

Civil Appeal No. 7164/2010

It is submitted that there are thirteen respondents in the matter. Respondent Nos. 5 & 8 are represented through Mr. Pradeep Misra, advocate respectively. Certificate of service in respect of Respondent Nos. 1 to 4, 6, 7 and 9 to 13 have been received but no one has entered appearance so far. The service of NLPA is complete in the matter.

It is further submitted that the counsel for the appellant has filed the statement of case but counsel for the respondents have not filed the statement of case so far.

It is also submitted that proviso 32(2) of Order XIX of New SCR 2013 read as "Provided that where as respondents who has entered appearance, does not file a statement of case within the time, as provided in sub-rule(1) it shall be presumed that the respondents does not desire to lodge statement of case in the appeal." No application is pending.

It is lastly submitted that original record in the matter has been received and sent back to the Tribunal as per Registry's circular dt. 03.12.2014.

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Civil Appeal No. 6647/2010

It is submitted that there are fifteen respondents in the matter. Respondent Nos. 1, 7 & 8 are represented through M/s. K.V. Mohan, R. Nedumaran & Raghvendra S. Srivastava, advocates respectively. Certificate of service in respect of Respondent Nos. 2, 3, 5, 6, 9, 11, 12 and 15 have been received but no one has entered appearance so far. Affidavit of service in respect of Respondent Nos. 4, 10, 13 & 14 have been received but no one has entered appearance so far. The service of NLPA is complete in the matter.

It is further submitted that the counsel for the appellant and counsel for the respondent No. 1 have filed the statement of case. No other respondent has filed the statement of case so far.

It is also submitted that proviso 32(2) of Order XIX of New SCR 2013 read as "Provided that where as respondents who has entered appearance, does not file a statement of case within the time, as provided in sub-rule(1) it shall be presumed that the respondents does not desire to lodge statement of case in the appeal." No application is pending.

It is lastly submitted that original record in the matter has been received and sent back to the Tribunal as per Registry's circular dt. 03.12.2014.

The matters above-mentioned are listed before the Registrar Court for Pre-Final hearing under Order V(I) Rule 30 of SCR 2013 with this office report.

DATED THIS THE 20TH DAY OF JULY, 2015.

ASSISTANT REGISTRAR

Copy to : Mr. K.V. Mohan, Advocate
Mr. S. Ravi Shankar, Advocate
Mr. Nikhil Nayyar, Advocate
Mr. Pradeep Misra, Advocate
R. Nedumaran, Advocate
Raghvendra S. Srivastava, advocate

ASSISTANT REGISTRAR