

SECTION – IIIB

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 690-691 OF 2015

WITH

INTERLOCUTORY APPLICATION NO. 1-3

(Applications for Condonation of Delay in filing and refiling the Petition of Appeal)

Sai Service Pvt. Ltd. (Formerly Sai Service Station Ltd.) ...Appellant

-VERSUS-

Commissioner of Central Excise, Mumbai-I ...Respondent

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 15<sup>th</sup> December 2014, when the Hon'ble Court was pleased to pass the following order:

**“Issue notice on the application for condonation of delay as also on the civil appeal limited to the question of imposition of penalty.”**

Accordingly, show cause notice was issued on 29<sup>th</sup> January 2015 through Registered A.D. Post to the Sole Respondent. Mr. B.K. Prasad, Advocate has on 7<sup>th</sup> April 2015 filed Vakalatnama/Appearance on behalf of Sole Respondent.

It is submitted that Office Report dated 31<sup>st</sup> July 2015 with regard to non-filing of Counter Affidavit was lastly listed before the Ld. Registrar Court on 3<sup>rd</sup> August 2015, when following orders were passed:

**“Sole respondent has not filed counter affidavit. Perusal of order dt.29.4.2015 shows that it was the last opportunity warned for the purpose. Time stipulated also stands expired. Further opportunity is therefore declined.**

**Matter stands complete. Registry to process the matter for being listed before the Hon'ble Court as per rules.**

..2/-

**At this stage, the ld. counsel for the respondent has requested two weeks time to file the counter affidavit. Be taken on record, if so filed during the period when the matter is being processed for listing before the Hon'ble Court.”**

It is submitted that Mr. B.K. Prasad, Advocaate for the Sole Respondent has not filed Counter Affidavit so far.

The matters above-mentioned were listed before the Hon'ble Court on 11<sup>th</sup> April, 2016, when the Hon'ble Court was pleased to pass the following order:

**“There is a letter for adjournment circulated by learned counsel for the appellant.  
List the matters after ten weeks.”**

The matter alongwith applications abovementioned is listed before the Hon'ble Court with this office report .

Dated this the 26<sup>th</sup> day of April, 2017.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. Rajan Narain , Advocate  
3, Jeevan Vihar Building (Rear Entrance),  
Parliamnt Street, New Delhi.
2. Mr. B.K. Prasad, Advocate,  
Central Agency Section, Supreme Court of India,  
New Delhi.

ASSISTANT REGISTRAR

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