Listed on: 18.01.2021
R.Court: 1
Item: 25

SECTION:XVII

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 3191 OF 2020

ASHWANI KUMAR DUBEY ...APPELLANT

VERSUS

UNION OF INDIA & ORS. ...RESPONDENT

REVISED OFFICE REPORT

The matter above-mentioned was listed before the Court of Ld. Registrar on 07.12.2020, when the Court was pleased to pass the following Order:-

> **"Spare copies have not been filed. Ld. Counsel for the appellant seeks two weeks' time to file spare copies. Granted. In addition, service is also allowed in terms of order dated 10.7.2020 in SUO MOTO WRIT PETITION (C)NO. 3/2020 passed by the Hon'ble Chief Justice of India which reads as follows -**
>
> **"….**
> **I.A. No. 48461/2020 – Service of all notices, summons and exchange of pleadings.**
>
> **Service of notices, summons and exchange of pleadings/documents, is a requirement of virtually every legal proceeding. Service of notices, summons and pleadings etc. have not been possible during the period of lockdown because this involves visits to post offices, courier companies or physical delivery of notices, summons and pleadings. We, therefore, consider it appropriate to direct that such services of all the above may be effected by e-mail, FAX, commonly used instant messaging services, such as Whatsapp, Telegran, Signal etc. However, if a party intends to effect service by means of said instant messaging services, we direct that in addition thereto, the party must also effect service of the same document/documents by e-mail, simultaneously on the same date….."**

Ld. Counsel for the appellant to file affidavit of service to that effect within four weeks.

List again on 14.1.2021."

It is submitted that pursuant to order quoted above, show-cause notice was issued to all the 37 (thirty-seven) respondents through registered post on 24.12.2020.

It is further submitted that M/s. Gaurav, Unuc Legal LLP, Pradeep Misra, Mahfooz Ahsan Nazki, Vanita Bhargava, Kaushik Choudhury, Shailesh Madiyal and Nitin Saluja, Advocates have filed vakalatnama on behalf of Respondent nos. 18, 19, 26, 7, 14, 15, 20, 22, 25, 10 and 16 on 29.12.2020, 30.12.2020, 04.01.2021, 08.01.2021, 11.01.2021, 13.01.2021, 16.01.2021 and 18.01.2021 respectively. Counsel have, however, neither filed counter affidavit nor application for extension of time to file counter affidavit as per Order XXI Rule 14(1) and Order V Rule 1(22) of the SCR, 2013.

It is further submitted that as per tracking report of India Post, respondent nos. 1 to 6, 8, 9, 11 to 13, 17, 23, 24, 27 to 31, 34 to 36 have been served but appearance has not been filed on their behalf, till date and in respect of respondent nos. 21, 32, 33 and 37, notice has not been delivered and neither A.D. Card nor unserved cover containing notices have been received.

It is further submitted that Counsel for the appellant has on 04.01.2021 filed affidavit with proof of dasti service stating therein that respondents have been served through e-mail on 25.12.2020.

Service of notice is complete by way of dasti service.

Order XXI Rule 14(1) of the SCR, 2013 is read as under:-

> "Respondent to whom a notice in a Special Leave Petition is issued or who had filed a caveat shall be entitled to oppose the grant of leave or interim order, without filing any written objections. He shall also be at liberty to file his objections within 30 days from the date of receipt of notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier, but shall do so only by setting out the grounds in opposition to the questions of law or grounds set out in the SLP and may produce such such pleadings and

documents filed before the Court/Tribunal against whose order the SLP is filed and shall also set out the grounds for not granting interim order or for vacating interim order if already granted."

Order V Rule 1(22) of the SCR, 2013 is read as under:-

"Application for extension of time for filing pleadings, provided that the Registrar shall not grant more than one extension for the purpose exceeding four weeks."

The matter above-mentioned is listed before the Court of Ld. Registrar with this revised office report.

DATED THIS THE 18TH DAY OF JANUARY, 2021.

BRANCH OFFICER

Copy to :
Mr. Ashutosh Kr. Sharma, Advocate
Mr. Gaurav, Advocate
M/s. Unuc Legal LLP, Advocate
Mr. Pradeep Misra, Advocate
Mr. Mahfooz Ahsan Nazki, Advocate
Ms. Vanita Bhargava, Advocate
Mr. Shailesh Madiyal, Advocate
Mr. Nitin Saluja, Advocate

BRANCH OFFICER