

ITEM NO.29
SECTION IV-A

REGISTRAR COURT. 1 THROUGH VIDEO CONFERENCE

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR SH. ANIL LAXMAN PANSARE

R.P.(C) No. 760-761/2020 in C.A. No. 368-369/2020

BETAMAX LIMITED

Petitioner(s)

VERSUS

STATE TRADING CORPORATION & ANR.

Respondent(s)

IA No. 28846/2020 - ORAL HEARING)

Date : 04-01-2021 These matters were called on for hearing today.

For Petitioner(s)

Ms. Avlokita Rajvi, Adv.
Mr. S. S. Shroff, AOR

For Respondent(s)

Mr. Arvind Gupta, AOR

UPON hearing the counsel through Video Conference, the Court made the following

O R D E R

On 25.11.2020, the following order was passed -

"Respondent No.2 has already opted not to file counter affidavit. As per office report, service is not complete on respondent No.1. Despite opportunity having been granted, vakalatnama and counter affidavit on behalf of respondent No.1 has not been filed. Id. Advocate, Mr. Parikshit Ahuja, appearing on behalf of Mr.Divyakant Lahoti, Advocate-on-record seeks four weeks' more time for filing vakalatnama and counter affidavit on behalf of respondent No.1. Granted, as last opportunity.

If vakalatnama and counter affidavit is filed within four weeks, Registry to process the matter for listing before the Hon'ble Court, as per rules, after completion of period of four weeks else the matter be listed again on 4.1.2021, since respondent No.1 has yet not been served."

None is connected for respondent No.1 today.

Ld. Counsel for the petitioner submits that this is Review Petition and that Mr.Divyakant Lahoti, Advocate-on-record had appeared for respondent No.1 at the stage of SLP (converted into Civil Appeal). In the present petition he has appeared for respondent No.1 before the Registrar's Court on two occasions i.e., on 28.9.2020 and 25.11.2020 respectively and sought time to file vakalatnama and counter affidavit. However, he failed to file vakalatnama as well as counter affidavit, despite last opportunity having been granted. She submits that in such circumstance respondent No.1 may be treated as served.

In view of the above facts, when Mr. Divyakant Lahoti, Ld. Advocate-on-record appeared for respondent No.1 at the stage of SLP which was later converted into Civil Appeal and who further appeared for respondent No.1 before the Registrar's Court on two occasions but failed to file vakalatnama and counter affidavit, the service upon respondent No.1 is treated to be complete. Further opportunity to respondent No.1 to file counter affidavit stands declined as Ld. counsel for respondent No.1 has failed to file counter affidavit, despite sufficient opportunities having been granted. However, vakalatnama may be filed.

Respondent No.2 has already opted not to file counter affidavit.

Let the matter be now processed for listing before the Hon'ble Court in terms of Supreme Court Rules, 2013.

ANIL LAXMAN PANSARE
Registrar