

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

15.

OA 1843/2019

Col Anil Kak (Retd.)		Applicant
VERSUS		
Union of India and Ors.		Respondents

For Applicant	:	Mr. S S Pandey, Advocate
For Respondents	:	Mr V Krishnan, proxy for Mr. Harish V Shankar, Advocate

CORAM

**HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)**

**ORDER
13.09.2023**

Time is sought on behalf of the respondents to file the counter affidavit not filed till date in terms of proceedings dated 25.11.2019, 03.03.2020, 30.07.2020, 10.11.2020. As directed on 21.04.2023, the right of the respondents to file the counter affidavit was to stand automatically closed if the counter affidavit was not filed within three weeks. However, in the interest of a fair adjudication of the *lis*, it is considered essential to allow the prayer made on behalf of the respondents to file the counter affidavit subject to costs of Rs.5,000/- to be deposited with the Armed Forces(PB) Bar Association. On submission of the receipt of Rs.5000/- towards costs, the respondents may file the counter affidavit within two weeks.

2. The oral prayer for waiver of the costs is declined. Further the prayer for reduction of costs is also declined.

3. Re-list for final hearing on 27.09.2023.
4. A copy of this order be given Dasti to the respondents, as prayed.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

CHANANA