

**COURT No. 2, ARMED FORCES TRIBUNAL,**  
**PRINCIPAL BENCH, NEW DELHI**  
**(Through Virtual Hearing)**

18.

**MA 2738/2021 in OA 94/2021**

**Lt Col Sanjiv Basu Mallick**

**.....Applicant**

**Versus**

**Union of India & Ors.**

**.....Respondents**

**For Applicant** : Mr. Rakesh Kumar Yadav, Proxy

Mr. I.S.Singh, Advocate

**For Respondents** : Mr. Prabodh Kumar, Advocate

**CORAM:**

**HON'BLE MS.JUSTICE SUNITA GUPTA, MEMBER (J)**

**HON'BLE VICE ADMIRAL P.MURUGESAN, MEMBER (A)**

**ORDER**

**21.12.2021**

**MA 2738/2021**

Vide this MA, the applicant seeks closure of the right of the respondents to file his counter affidavit.

On advance notice, Mr. Prabodh Kumar, Advocate has appeared for the respondents and submits that this is a matter which has been transferred from RB, Jaipur where the counter affidavit was filed. However, same has not come on record. Since he was not having the copy of the same and therefore, requested counsel for the applicant to supply the copy so that fresh counter affidavit can be prepared.

Counsel for the applicant states that he had asked counsel for the respondents to collect the copy from his office. It is not disputed that the associates of counsel for the applicant do come to the Tribunal and therefore, they could have brought the copy, so that the official from OIC, Legal Cell could have collected

the copy and that would have facilitated Mr. Prabodh Kumar in preparing the reply. Be that as it may, counsel for the respondents states that he has prepared fresh reply and will file the same within one week. Same be filed within one week with copy to the applicant who may file rejoinder, if any, within four weeks thereafter.

MA stands disposed off accordingly.

(JUSTICE SUNITA GUPTA)  
MEMBER (J)

(VICE ADMIRAL P. MURUGESAN)  
MEMBER (A)

Nk/ap