

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.78 OF 2011  
(For Prel. Hearing)

M/S TATA TELESERVICES P.LTD.

Appellant (s)

VERSUS

DEPT.OF TELECOMMUNICATIONS & ANR

Respondent(s)

(With appln(s) for permission to file additional documents  
and office report)

Date: 14/02/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN  
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s)

Mr. Ramji Srinivasan, Sr. Adv.  
Mr. Mansoor Ali Shoket, Adv.  
Mr. Pukhrambam Ramesh Kumar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Permission to file additional documents is  
granted.

Issue notice  
Dasti service, in addition, is permitted.  
Dasti service by E-Mail is also permitted.

....2/-

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This civil appeal is statutory appeal in  
which complex question of law and facts arises for  
determination under the Telecom Regulatory  
Authority Act, 1997. In the circumstances, by ad-  
interim order, we stay the impugned Order of the  
Tribunal on following conditions:

(1) The Operator-M/s. Tata  
Teleservices Private Limited will  
deposit fifty per cent of the  
outstanding principal amount net of  
interest in the Supreme Court Registry  
within a period of two weeks;

(2) The balance fifty per cent of  
the disputed outstanding amount net of  
interest will be secured by way of Bank  
guarantee of a Nationalised Bank to be  
given within a period of two weeks.  
The Bank Guarantee will be in favour of  
the Registrar [Judl.], Supreme Court of

India; and  
(3) The Managing Director of the  
Operator Company will give an affidavit  
to the effect that, in the event of  
Civil Appeal being dismissed, the  
Operator Company will pay the balance  
amount with interest at the rate which  
may be fixed by the Court at the  
appropriate stage.

We make it clear that if there is a breach  
of any of the afore-stated conditions, the impugned  
order will come into force with immediate effect.

....3/-

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The Operator Company is directed to submit  
a Chart of the principal amount which is  
outstanding, as of today, to the Registry within  
one week.

Liberty is granted to the Department of  
Telecommunications to apply for withdrawal of  
deposited amount on such conditions as this Court  
may deem fit.

Tag the appeal with Civil Appeal No.9180 of  
2010.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Madhu Saxena ]  
Assistant Registrar