

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.9141 OF 2010

BHARTI HEXACOM LTD.

Appellant (s)

VERSUS

DEPARTMENT OF TELECOMMUNICATIONS &ANR.

Respondent(s)

(With appln(s) for ad-interim ex-parte stay)

Date: 22/10/2010 This Appeal was mentioned today.

CORAM :

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

For Appellant(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Navin Chawla, Adv.

For Respondent(s)

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

Taken on Board.
Issue notice on the civil appeal as also on
the application for stay.
Dasti service, in addition, is permitted.
Dasti service by E-Mail is also permitted.
.....2/-

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This civil appeal is a 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-Bharti Hexacom 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 Secretary General, 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 on the principal outstanding amount, 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.

On completion of service, the civil appeal to be listed for directions for fixing date of hearing.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar