

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.9236 OF 2010

IDEA CELLULAR LTD.

Appellant (s)

VERSUS

DEPT. OF TELECOMMUNICATIONS &amp; ANR.

Respondent(s)

(With appln(s) for 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. C.S. Vaidyanathan, Sr. Adv.  
Mr. Manjul Bajpai, Adv.  
Ms. Bina Gupta, Adv.  
Mr. Ankur Saigal, Adv.  
Mr. Ashish Wad, 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-Idea Cellular 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