

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

**INTERLOCUTORY APPLICATION NO.4**

(APPLICATION FOR DIRECTIONS ON BEHALF OF BSNL)  
AND

**INTERLOCUTORY APPLICATION NO.5**

(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)  
IN

**WRIT PETITION (CIVIL) NO. 387 OF 2016**

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)  
WITH

**INTERLOCUTORY APPLICATION NO.1**

(APPLICATION FOR DIRECTIONS)

HARISH CHAND TIWARI

...PETITIONER

-VERSUS-

UNION OF INDIA & ORS.

...RESPONDENTS

**OFFICE — REPORT**

The Writ Petition above-mentioned was listed before the Hon'ble Court on 05.07.2016 along with Office Report dated 09.06.2016 when the court was pleased to pass the following order:

**"Heard.**

**Issue notice in the writ petition and also in the interim prayers.**

**Tag along with Civil Appeal No. 2612 of 2016."**

It is submitted pursuant to aforesaid order, show cause notice was issued to all the four respondents through speed post on 13.07.2016 and has been delivered on all the four respondents as per tracking report of Postal Authority. Mr. D. S. Mahra, Advocate has filed Vakalatnama/appearance on behalf of Respondent No. 1 and has on 24.10.2016 filed counter affidavit in 3 volumes (copies of the counter affidavit as separate paper books are placed below with the paper book of Writ Petition).

It is further submitted that Mr. Adarsh Upadhyay, Advocate has on 17.01.2017 filed vakalatnama/appearance on behalf of respondent no. 4 i.e. Municipal Corporation of Gwalior but no counter affidavit has been filed so far.

It is further submitted that the Writ Petition was listed before the Hon'ble Court along with connected matters on 06.02.2017 when the court was pleased to pass the following order:

**"C.A. Nos. 2612 of 2016 and 8851-8853 of 2015**

**W.P.(C) Nos. 387 and 316 of 2016**

**I.A. No.4 in C.A. 2612 of 2016 - Application for intervention is allowed.**

**Application for exemption from filing certified copy of the impugned order is allowed.**

**Permission to file additional documents is granted.**

**Civil Appeals are admitted and Rule is issued in Writ petitions.**

...2/-

List these matters for hearing on 28th March, 2017.

In the meantime, parties to exchange pleadings and all other documents, as may be considered necessary and also comply with the directions contained in Order dated 03.10.2016, if not complied with so far.

Registry is directed to tag all connected matters, if any."

It is submitted that pursuant to aforesaid order, rule nisi was issued to respondent nos. 2 and 3 through registered A.D. and to respondent nos. 1 and 4 through their respective counsel on 07.03.2017. Rule nisi has been delivered to respondent nos. 2 and 3 as per the tracking information of the postal authorities but no one has entered appearance on behalf of Respondent No. 2 so far.

It is further submitted that the counsel for the petitioner has on 24.03.2017 filed an application for permission to file additional documents and the same has been registered as I.A. No. 3 of 2017 (copy of application as separate paper book has been placed alongwith Writ Petition paper books).

It is further submitted that the Writ Petition above-mentioned was listed before the Hon'ble Court along with connected matters on 30.03.2017, with an Office Report dated 27.03.2017, when the court was pleased to pass the following order:

**"Cellular Operators Association of India whose intervention application has been allowed in Civil Appeal No.2612 of 2016 shall file a paper book containing various reports and other relevant and connected documents in one volume(s) for the convenience of the Court so that the hearing the matters can be streamlined and expedited. All the contesting parties will be at liberty to incorporate the documents that such parties consider necessary in the aforesaid convenience volume(s). We make it clear that the documents included in the said convenience volume(s) alone will be considered by the Court at the time of hearing of the present matters.**

**Having regard to the importance of the matters we direct the Office to list the cases on 11th July, 2017 at the top of the list.**

**We also direct that the particular mobile tower operated by B.S.N.L. in the area mentioned in Writ Petition (Civil) No.387 of 2016 shall be deactivated by the B.S.N.L. within seven days from today."**

It is further submitted that the Mr. Pradeep Kumar Mathur, advocate has on 13.04.17 filed vakalatnama/appearance and an application for direction on behalf of Respondent 3 viz. B.S.N.L. alongwith application for exemption from filing official translation and the same has been registered as I.A. No. 4 and 5 of 2017 (copy of the same has been included in the paper books).

It is lastly submitted that the Mr. Pradeep Kumar Mathur, advocate has on 17.04.17 filed counter affidavit on behalf of Respondent No. 3.(copy of the same has been included in the paper books).

Service of notice and rule nisi is complete.

The applications in Writ Petition above-mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 3<sup>rd</sup> day of May, 2017.

ASSISTANT REGISTRAR

Copy to:-

Mr. Abhishek Gautam, Advocate

Mr. D. S. Mahra, Advocate

Mr. Pradeep Kumar Mathur, Advocate

Mr. Adarsh Upadhyay, Advocate

ASSISTANT REGISTRAR