

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2015
(Diary No(s). 10510/2015)

S. TEL PVT. LTD.

Appellant(s)

VERSUS

TELECOM REGULATORY AUTHORITY OF INDIA

Respondent(s)

O R D E R

1. Delay condoned.

2. We have heard Dr. Rajeev Dhawan, learned Senior Counsel for the appellant.

3. By order of this Court dated 2.2.2012 the license of the appellant was quashed/canceled. However, the said order was made operative/effective on the expiry of four months from the date thereof i.e. 2.6.2012. The appellant apparently folded up/closed down its operation prior to 2.6.2012. On being required to do so, the appellant sought to justify its action by referring to subsequent order of this Court dated 24.4.2012 which was to the following effect:

"The existing licensees shall be entitled to continue to operate till 7.9.2012."

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4. It was contended on behalf of the appellant that

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by the said order an option was given to the licensees like the appellant to operate the license or not to do so.

2

Accordingly, no fault could have been found with the appellant for closing down its operation under the license prior to 2.6.2012. The learned Tribunal did not accept the

above stand taken by the appellant and held that the operation of the canceled license till 2.6.2012 was obligatory/mandatory and the option to continue or not to continue the operation of the said license was for the periods thereafter.

5. Reading the orders of this Court dated 2.2.2012, 24.4.2012 and other orders referred to in the impugned order of the learned Tribunal, we can find no error in the view taken by the Tribunal that the appeal filed by the appellant deserved to be dismissed. Accordingly, we do not find any ground to interfere with the order of the learned Tribunal. The Civil Appeal is dismissed. However, we make it clear that the liability, if any, of the appellant will be upto the period ending on 2.6.2012.

.....J.
(RANJAN GOGOI)

NEW DELHI;
OCTOBER 05, 2015

.....J.
(N.V. RAMANA)

3

ITEM NO.35 COURT NO.8 SECTION XVII
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Diary No(s). 10510/2015

S. TEL PVT. LTD. Appellant(s)

VERSUS

TELECOM REGULATORY AUTHORITY OF INDIA Respondent(s)
(With appln. (s) for condonation of delay in filing appeal. and office report)

Date : 05/10/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s) Dr. Rajeev Dhawan, Sr. Adv.
Mr. Amit Gupta, Adv.
Mr. Sarwa Mitter, Adv.
Mr. Anant A. Pavgi, Adv.
For M/s Mitter & Mitter Co., Adv.

For Respondent(s)

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

Delay condoned.

The civil appeal is dismissed in terms of the signed order.

(MADHU BALA)

COURT MASTER

(Signed order is placed on the file)

(ASHA SONI)

COURT MASTER