

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8468 OF 2013
(Arising out of SLP(C)NO.14568/2013)

BHARTI AIRTEL LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

Leave granted. Heard learned counsel for the parties.

This appeal has been filed against the interim order of the Delhi High Court dated 4.4.2013, passed in LPA No. 189 of 2013. It is apparent from the pleadings that at the relevant point of time, the Telecom Disputes Settlement & Appellate Tribunal (for short "TDSAT") was not functional. Therefore, Delhi High Court has entertained the writ petition but now we are informed that the said writ petition had been dismissed by Delhi High Court on 13.9.2013 with liberty to the appellant to approach the TDSAT.

Thus, after hearing the learned counsel for the parties, it is not desirable to keep the appeal pending and requires to be disposed of with certain observations.

We are informed that the appellant has not filed the petition in TDSAT as yet as per the aforestated order dated 13.9.2013. Appellant if so advised, may file a petition in TDSAT within 10 days from today. The Respondent No.2 i.e. Reliance Communications Ltd. in the instant appeal who was the Appellant in the LPA No.189/2013 would be added as a Respondent before the TDSAT, without prejudice to the rights of the parties. Whether Reliance Communications is a necessary party or not is to be decided by the TDSAT. The Respondents in the petition to be filed before TDSAT would file their reply within two weeks thereafter.

Since the matter is of some importance the impact of which is felt all over the country, we request the TDSAT to dispose off the matter finally as early as possible preferably, by the end of this year. The interim order dated 11.4.2013 passed by this Court shall continue till 31.12.2013. If for any reason the matter is not disposed of by TDSAT by 31.12.2013 the parties would be entitled to move TDSAT for extension/revocation of the interim order dated 11.4.2013 of this Court.

Needless to add that TDSAT will decide the matter without being influenced by the order of the learned Single Judge or of the Division Bench of the Delhi High Court dated 4.4.2013 and the orders passed by this Court.

The appeal is disposed of accordingly.

(Dr. B.S. Chauhan)

.....J.

(S.A. Bobde)

.....J.

New Delhi;
September 23, 2013.

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

Petition(s) for Special Leave to Appeal (Civil) No(s).14568/2013

(From the judgement and order dated 04/04/2013 in LPA No.189/2013 of The
HIGH COURT OF DELHI AT N. DELHI)

BHARTI AIRTEL LTD. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for permission to place addl. documents on
record,impleadment as party respondent and prayer for interim relief and
office report)

I.A.NO.12(With appln.(s) for placing on record subsequent
events/directions)
(FOR FINAL DISPOSAL)

Date: 23/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Dr. A.M. Singhvi,Sr.Adv.
Mr. Gopal Jain,Adv.
Mr. Alok Shankar,Adv.
Mr. C.D. Singh,Adv.
Mr. Ankur Sood,Adv.

For Respondent(s) Mr. Mukul Rohatgi,Sr.Adv.
Ms. Ranjeeta Rohtagi,Adv.

Mr. Paras Kuhad,ASG
Mr. Jitin Chaturvedi,Adv.
Mr. Ritin Rai,Adv.
Mr. Ritesh Kumar,Adv.
Mr. D.S. Mahra,Adv.

Mr. Gopal Jain,Adv.
Mr. Ajay Bhargava,Adv.
Mrs. Vanita Bhargava,Adv.
Mr. Aseem Chaturvedi,Adv.

Mr. Atul Y.Chitale,Sr.Adv.
Ms. Sanyukta Mukherjee,Adv.
Mrs.Suchitra Atul Chitale,Adv.

Mr. C.A. Sundaram,Sr.Adv.
Mr. Subramonium Prasad,Adv.
Mer. Manjul Bajpai,Adv
Mr. Shashwat Bajpai,Adv.
Mr. Ashish Prasad,Adv.
Mr. S. Prasad,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of, in terms of the signed order.

No orders on applications of impleadment/intervention at this stage. Applicants are at liberty to move before TDSAT.

(O.P. Sharma)

Court Master

(M.S. Negi)

Court Master

(Signed order is placed on the file)