

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(s). 5546 OF 2004

BHARAT SANCHAL NIGAM LTD.

Appellant (s)

VERSUS

CELLULAR OPERATORS ASSON. OF INDIA & ORS

Respondent(s)

(With office report)

WITH

Civil Appeal NO. 6969 of 2004

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

Date: 26/10/2010 These Appeals were called on for hearing today.

For Appellant(s) Mr. Vikas Singh, Sr. Adv.
Mr. Gaurav Sharma, Adv.
Mr. Tajveer Bhatia, Adv. For
Mr. Abhinav Mukerji, Adv.

Mr. Virender Singh Thakur, Adv.
Mr. Angad Mehta, Adv. for
Ms. Madhu Sikri, Adv.

For Respondent(s) Mr. C.A. Sundram, Sr. Adv.
Mr. Ankur Saigal, Adv.
Mr. Manjul Bajpai, Adv.
Mr. Ashish Yadav, Adv.
Ms. Bina Gupta, Adv.

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Mr. Rahul Kaushik, Adv.
Mr. A.K. Sharma, Adv.
Mr. Anirudh Sharma, Adv.
Mr. V.K. Verma, Adv.

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

Civil Appeal NO. 5546 OF 2004

The Appeal is allowed in terms of the signed order.

Civil Appeal NO. 6969 of 2004

The Appeal is allowed in terms of the signed order.

(Rajesh Dham)
Court Master

(Parveen Kr. Chawla)
Court Master

(signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 5546 OF 2004

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VERSUS

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O R D E R

CIVIL APPEAL NO(s). 5546 OF 2004

Heard learned counsel appearing for the parties.

This Appeal has been filed against the order dated 29.03.2004 passed by the Telecom Disputes Settlement & Appellate Tribunal (for short 'TDSAT'), New Delhi.

The facts of the case have been set out in the impugned order of the TDSAT and hence we are not repeating the same here.

On the facts of the case, it appears that the Regulation of 1999 was not brought to the notice of the TDSAT and we are of the opinion that it should have been brought to the notice of the TDSAT and should have been considered by TDSAT. Hence, we remand the matter to the TDSAT for

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a fresh consideration of the case in accordance with law,
preferably within a period of four months from the date of
production of a copy of this Order.

We make it clear that we are not expressing any opinion
on the merits of the case. The interim arrangement dated
06.12.2004 ordered by this Court shall continue to operate
till the disposal of the case by the TDSAT.

The impugned order of the TDSAT is set aside without
going into the merits of the case. The Appeal is allowed
accordingly. No costs.

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This case is also remanded to the TDSAT with the same
observations and directions as made by us in CIVIL APPEAL
NO(s). 5546 OF 2004 above.

The Appeal is allowed accordingly. No costs.

.....J.
(MARKANDEY KATJU)

.....J.
(GYAN SUDHA MISRA)

NEW DELHI
OCTOBER 26, 2010.

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