

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.4982 OF 2005

RELIANCE INFOCOMM LTD.

Appellant (s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln(s) for permission to file rejoinder affidavit and impleadment as party respondent)

With Civil Appeal Nos.4882-4883 of 2010
(With appln(s) for stay and permission to file additional documents and office report)

Civil Appeal No.6706 of 2010
(With appln(s) for ex-parte stay, permission to file additional documents and office report)

Civil Appeal No.4877 of 2010
(With appln(s) for ex-parte stay and office report)

Civil Appeal No.4878 of 2010
(With appln(s) for ex-parte stay and office report)

And Civil Appeal No.8107 of 2010
(With appln(s) for ex-parte stay and office report)

And Civil Appeal No.8108 of 2010
(With appln(s) for ex-parte stay and office report)

And Civil Appeal No.8269 of 2010
(With appln(s) for stay and office report)

Date: 29/09/2010 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

....2/-

- 2 -

For Appellant(s) Mr. P.H. Parekh, Sr. Adv.
 Mr. Sameer Parekh, Adv.
 Mr. C. Martin, Adv.
 Ms. R. Bobde, Adv.
 Ms. Suman Yadav, Adv.
 Mr. Vishal Prasad, Adv.
 M/s. Parekh & Co., Adv.

Mr. Gopal Subramaniam, SG.
Ms. Pratibha M. Singh, Adv.
Mr. Tejveer Singh Bhati, Adv.
Mr. Gaurav Sharma, Adv.
Mr. Abhinav Mukerji, Adv.
Ms. Surbhi Mehta, Adv.
Mr. Tanmay Mehta, Adv.

Ms. Manali Singhal,Adv.
Mr. Santosh Sachin,Adv.
Mr. Aakarsh Kamra,Adv.
Mr. Abhijat P. Medh,Adv.

Mr. Ramji Srinivasan,Sr.Adv.
Mr. Mansoor Ali,Adv.
Mr. Zeyaul Haque,Adv.
Mr. Ramesh Kumar Pukharbham,Adv.

For Respondent(s) Mr. V.K. Verma,Adv.

Ms. Manali Singhal,Adv.
Mr. Santosh Sachin,Adv.
Mr. Aakarsh Kamra,Adv.
Mr. Abhijat P. Medh,Adv.

Mr. Gopal Subramaniam,SG.
Ms. Pratibha M. Singh,Adv.
Mr. Tejveer Singh Bhati,Adv.
Mr. Gaurav Sharma,Adv.
Mr. Abhinav Mukerji,Adv.
Ms. Surbhi Mehta,Adv.
Mr. Tanmay Mehta,Adv.

Mr. P.H. Parekh,Sr.Adv.
Mr. Sameer Parekh,Adv.
Mr. C. Martin,Adv.
Ms. R. Bobde,Adv.
Ms. Suman Yadav,Adv.
Mr. Vishal Prasad,Adv.
M/s. Parekh & Co.,Adv.

...3/-

- 3 -

Mr. Navin Chawla,Adv.

Mr. Ramji Srinivasan,Sr.Adv.
Ms. Ruby Ahuja,Adv.
Mr. Manu Agarwal,Adv.
Mr. Jatin Mongia,Adv.
Mr. Raunak Dhillon,Adv.
Ms. Manik Karanjawala,Adv.
for M/s. M. Karanjawala and Co.,Adv

Mr. Vivek K. Tankha,ASG.
Mr. Pratup Shandilya,Adv.
Mr. Rishabh Sancheti,Adv.
Mr. Vaibhav Srivastav,Adv.
Mr. Sumeer Sodhi,Adv.
Mr. D. Kumanan,Adv.

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

Civil Appeal No.4982 of 2005:

The civil appeal is dismissed as withdrawn.

Civil Appeal Nos.4882-4883 of 2010:

The civil appeals are disposed of.

Mr. Gopal Subramaniam, learned Solicitor
General started his arguments in Civil Appeal
No.6706 of 2010 at 3.30 p.m. and had not concluded

till 4.00 p.m., when the Court rose for the day.

The matters remained part-heard.

Learned counsel for the parties may file affidavits by Monday, 4th October, 2010. List on 5th October, 2010.

[Kanchan Jain]
Assistant Registrar

[Madhu Saxena]
Assistant Registrar

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4982 OF 2005

Reliance Infocomm Ltd.

...Appellant(s)

Versus

Union of India

...Respondent(s)

With Civil Appeal Nos. 4882-4883 of 2010.

O R D E R

Civil Appeal No. 4982 of 2005

Mr. P.H. Parekh, learned Senior counsel, appearing on behalf of the appellants, seeks permission to withdraw the Civil Appeal. Permission granted. The Civil Appeal is dismissed as withdrawn.

Civil Appeal Nos. 4882-4883 of 2010

In these Civil Appeals two questions arise for determination. Firstly, whether Clause 6.4.6 of the Inter-connect Agreement is 'Penal' in nature or whether it is a 'Strict Liability' Clause. The second question which arises concerns quantification of IUC charges.

...2/-

2.

Mr. Gopal Subramaniam, learned Solicitor General states that he has no objection to provide the Call Data Records to Reliance Communications Ltd. in the matter of

quantification. However, on the first question regarding the nature of Clause 6.4.6, he would like to address the Court as the said question arises in a number of matters, which are to follow.

In these Civil Appeals 4882-4883 of 2010, the matter ends with the statement of the learned Solicitor General, appearing for B.S.N.L., that they would provide Call Data Records to Reliance Communications Ltd. within four weeks from today to quantify IUC charges payable as per the Agreement. The first question of interpretation of Clause 6.4.6 is expressly kept open.

Subject to above, the Civil Appeals are disposed of.

.....CJI.
[S.H. KAPADIA]

.....J.
[K.S. RADHAKRISHNAN]

.....J.
[SWATANTER KUMAR]

New Delhi,
September 29, 2010.