

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) Nos.13520-13521/2004

(From the judgement and order dated 30/04/2004 in AN 702/2003 in
Notice of Motion No.2557/2002 in Suit No. 3092/2002 and Appeal No.
703/2003 in Notice of Motion No. 2793/2002 in Suit No. 3092/2002 of
The HIGH COURT OF BOMBAY)

MOTOROLA INC.

Petitioner (s)

VERSUS

IRIDIUM INDIA TELECOM LTD. & ORS.

Respondent (s)

(With appln(s). for exemption from filing c/c of the impugned judgment,
permission to submit additional document(s), exemption from filing O.T.,
prayer for interim relief and office report)

Date : 26/07/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr. Ashok H. Desai,Sr.Adv.
Mr. Aspi Chenoy,Sr.Adv.
Mr. Darius Khambatta,Adv.
Mr. Jai Munim,Adv.
Mr. Ranjit Shetty,Adv.
Ms. Karuna Nundy,Adv.
Ms. Meenakshi Arora,Adv.

For Respondent (s)Mr. F.S. Nariman,Sr.Adv.
Mr. Harish N. Salve,Sr.Adv.
Mr. Mukul Rohtagi,Sr.Adv.
Mr. Rohit Kapadia,Adv.
Mr. V. Dhond,Adv.
Mr. Gaurav Shah,Adv.
Mr. Mahesh Agarwal,Adv.
Mr. Rishi Agrawal,Adv.
Mr. E.C. Agrawala,Adv.

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

Exemption allowed.
Permission to file additional documents is allowed.

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Issue notice.

Mr. E.C. Agrawala, learned advocate, who appears on caveat, accepts notice on behalf of Respon
dent No.1.

As regards other respondents, dasti service, in addition, is permitted.

Pending further orders, the impugned orders shall remain stayed, subject to the petitioner dep
ositing an additional amount of Rupees eighty five crores or U.S. Dollars equivalent to Rupees
eighty five crores within four weeks with the permission of the Reserve Bank of India either

in the account of Standard Chartered Bank or Citi Bank at Delhi. A total amount of Rupees two hundred crores in deposit shall be maintained, until further orders. The Reserve Bank of India may consider permitting the petitioner to deposit the amount of Rupees two hundred crores in an interest bearing deposit.

The learned counsel for the first respondent-plaintiff submitted that the plaintiff had already made an application before the High Court seeking clarification/modification of the order contained in paragraph 86 of the impugned order as regards refund of the amount to be made by the plaintiff. We make it clear that the application be decided by the High Court independently on its own merits and the interim order passed by this Court will not come in the way of the High Court proceeding to pass the order on the application on its merits.

Counter affidavits be filed within six weeks. Rejoinder affidavit, if any, be filed within three weeks thereafter.

List the special leave petitions on 4th October, 2004.

[T.I. Rajput] [Shelly Sengupta]
Court Master Court Master