

Ö4PART-HEARD
ITEM NO.2

COURT NO.1

SECTIONS XVII XIV

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.5253 OF 2010

B.S.N.L.

Appellant (s)

VERSUS

TELECOM REGULATORY AUTH.OF INDIA & ORS.

Respondent(s)

(With appln.(s) for stay and office report)
[For Final Disposal]

With Civil Appeal No.5184 of 2010
(With appln.(s) for stay and impleadment)
[For Final Disposal]

Civil Appeal No.5873 of 2010
(With appln.(s) for stay and office report)
[For Final Disposal]

Civil Appeal No.6068 of 2010
(With appln.(s) for stay, permission to file additional
documents and office report)
[For Final Disposal]

Civil Appeal No.6255 of 2010
(With appln.(s) for stay and office report)
[For Final Disposal]

Civil Appeal Nos.951-952 of 2005
(With office report)

Civil Appeal No.3298 of 2005
(With appln.(s) for permission to place additional documents
on record and office report)

Civil Appeal No.3299 of 2005
(With office report)

Civil Appeal No.4529 of 2005
(With office report)

Civil Appeal No.6049 of 2005
(With appln.(s) for interim directions, stay and ex-parte
stay)

...2/-

- 2 -

Civil Appeal No.802 of 2006
(With office report)

Civil Appeal No.2731 of 2006
(With office report)

Civil Appeal No.2794 of 2006

Civil Appeal No.3504 of 2006
(With office report)

Civil Appeal Nos.5834-5836 of 2005
(With appln.(s) for permission to file additional documents
and office report)

Civil Appeal No.5837 of 2005

(With office report)

Civil Appeal Nos.4965-4966 of 2007

(With appln.(s) for permission to file additional documents and stay)

Civil Appeal No.177 of 2008

(With appln.(s) for stay, permission to place additional documents on record and office report)

Civil Appeal Nos.598-599 of 2008

(With office report)

Civil Appeal No.....D28298/2010

(With appln.(s) for permission to file appeal and office report)

Transferred Case No.39 of 2010 @ T.P.(C) No.1111 of 2010

(With office report)

Date: 15/12/2010 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN

HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s) Mr. Maninder Singh, Sr. Adv.
 Ms. Pratibha M. Singh, Adv.
 Mr. Tejveer Bhatia, Adv.
 Mr. Gaurav Sharma, Adv.
 Ms. Surbhi Mehta, Adv.
 Mr. Abhinav Mukerji, Adv.

...3/-

- 3 -

Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Manjul Bajpai, Adv.
Ms. Bina Gupta, Adv.
Mr. Ankur Saigal, Adv.

Mr. Sanjay Kapur, Adv.
Ms. Shubhra Kapur, Adv.
Mr. Abhishek Kumar, Adv.
Mr. Ashmi Mohan, Adv.

Mr. Ramji Srinivasan, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Shikha Sharma, Adv.
Mr. Zeyaul Haque, Adv.
Mr. E.C. Agrawala, Adv.

Mr. Ramji Srinivasan, Sr. Adv.
Mr. Zeyul Haque, Adv.
Mr. Rajiv Mehta, Adv.

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

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Sanjay Kapur, Adv.
Ms. Shubhra Kapur, Adv.
Mr. Abhishek Kumar, Adv.
Ms. Ashmi Mohan, Adv.

Mr. Navin Chawla, Adv.
Mr. Vinobha Bhoopathy, Adv.

Mr. Arun Kathpalia,Adv.
Mr. V.S. Thakur,Adv.
Ms. Nidhi,Adv.
Ms. Madhu Sikri,Adv.

For Respondent(s) Mr. Sanjay Kapur,Adv.
Mr. Rajiv Kapur,Adv.
Mr. Abhishek Kumar,Adv.

...4/-

- 4 -

Mr. Maninder Singh,Sr.Adv.
Ms. Pratibha M. Singh,Adv.
Mr. Tejveer Bhatia,Adv.
Mr. Gaurav Sharma,Adv.
Ms. Surbhi Mehta,Adv.
Mr. Abhinav Mukerji,Adv.

Mr. Mukul Rohtagi,Sr.Adv.(CA 5184/10&802/06)
Mr. C.S. Vaidyanathan,Sr.Adv.
Mr. Ramji Srinivasan,Sr.Adv.
Mr. Manjul Bajpai,Adv.
Mr. Gopal Jain,Adv.
Mr. Kaushik Misra,Adv.
Ms. Pallavi Wahni,Adv.
Mr. Ankur Saigal,Adv.
Mr. Gaurav Singh,Adv.
Ms. Bina Gupta,Adv.
Mr. Ankur Sood,Adv.

Mr. Ramji Srinivasan,Sr.Adv.
Mr. Mahesh Agarwal,Adv.
Ms. Shikha Sharma,Adv.
Mr. Zeyaul Haque,Adv.
Mr. E.C. Agrawala,Adv.

Mr. Navin Chawla,Adv.
Mr. Vinobha Bhoopathy,Adv.

Mr. S.W.A. Qadri,Adv.
Ms. Shweta Verma,Adv.
Mr. Arvind Kumar Sharma,Adv.

Mr. Arun Kathpalia,Adv.
Mr. V.S. Thakur,Adv.
Mr. Virender Thakur,Adv.
Ms. Madhu Sikri,Adv.

Ms. Rakhi Ray,Adv.

Mr. V.K. Verma,Adv.

Mr. Ramji Srinivasan,Sr.Adv.(CA 5834-36/05)
Ms. Aninai Ghosh,Adv.
Mr. Manu Nair,Adv.(CA 5837/2005)
for M/s. Suresh A. Shroff & Co.,Advs.

....5/-
- 5 -

Ms. Rachana Joshi Issar,Adv.
Ms. Nidhi Tewari,Adv.

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

Interlocutory Application Nos.3-4 for
impleadment are allowed.

Pending hearing and final disposal of these civil appeals, in respect of each additional Port, the Operators/Service Providers, who are before us, will give Bank guarantee of a Nationalised Bank on the difference between the rates applicable between 2001 and 2007 per Port. However, it is made clear that the Registry will not accept the Bank guarantee unless and until the Chief Executive Officer of the Operators/Service Providers shall give an undertaking in the form of an affidavit that in the event of BSNL succeeding in the matter, each of the applicants, who has given Bank Guarantee, would have to pay interest at the rate which may be fixed by the Court at the time of final hearing of the matters.

[T.I. Rajput]

[Madhu Saxena]

A.R.-cum-P.S.

Assistant Registrar

Ö4PART-HEARD

ITEM NO.2

COURT NO.1

SECTIONS XVII XIV

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.5253 OF 2010

B.S.N.L.

Appellant (s)

VERSUS

TELECOM REGULATORY AUTH.OF INDIA & ORS.

Respondent(s)

(With appln.(s) for stay and office report)
[For Final Disposal]

With Civil Appeal No.5184 of 2010
(With appln.(s) for stay and impleadment)
[For Final Disposal]

Civil Appeal No.5873 of 2010
(With appln.(s) for stay and office report)
[For Final Disposal]

Civil Appeal No.6068 of 2010
(With appln.(s) for stay, permission to file additional documents and office report)
[For Final Disposal]

Civil Appeal No.6255 of 2010
(With appln.(s) for stay and office report)
[For Final Disposal]

Civil Appeal Nos.951-952 of 2005
(With office report)

Civil Appeal No.3298 of 2005
(With appln.(s) for permission to place additional documents on record and office report)

Civil Appeal No.3299 of 2005
(With office report)

Civil Appeal No.4529 of 2005
(With office report)

Civil Appeal No.6049 of 2005

Ms. Shikha Sharma,Adv.
Mr. Zeyaul Haque,Adv.
Mr. E.C. Agrawala,Adv.

Mr. Ramji Srinivasan,Sr.Adv.
Mr. Zeyul Haque,Adv.
Mr. Rajiv Mehta,Adv.

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

Mr. Rakesh Dwivedi,Sr.Adv.
Mr. Sanjay Kapur,Adv.
Ms. Shubhra Kapur,Adv.
Mr. Abhishek Kumar,Adv.
Ms. Ashmi Mohan,Adv.

Mr. Navin Chawla,Adv.
Mr. Vinobha Bhoopathy,Adv.

Mr. Arun Kathpalia,Adv.
Mr. V.S. Thakur,Adv.
Ms. Nidhi,Adv.
Ms. Madhu Sikri,Adv.

For Respondent(s) Mr. Sanjay Kapur,Adv.
Mr. Rajiv Kapur,Adv.
Mr. Abhishek Kumar,Adv.

...4/-

- 4 -

Mr. Maninder Singh,Sr.Adv.
Ms. Pratibha M. Singh,Adv.
Mr. Tejveer Bhatia,Adv.
Mr. Gaurav Sharma,Adv.
Ms. Surbhi Mehta,Adv.
Mr. Abhinav Mukerji,Adv.

Mr. Mukul Rohtagi,Sr.Adv.(CA 5184/10&802/06)
Mr. C.S. Vaidyanathan,Sr.Adv.
Mr. Ramji Srinivasan,Sr.Adv.
Mr. Manjul Bajpai,Adv.
Mr. Gopal Jain,Adv.
Mr. Kaushik Misra,Adv.
Ms. Pallavi Wahi,Adv.
Mr. Ankur Saigal,Adv.
Mr. Gaurav Singh,Adv.
Ms. Bina Gupta,Adv.
Mr. Ankur Sood,Adv.

Mr. Ramji Srinivasan,Sr.Adv.
Mr. Mahesh Agarwal,Adv.
Ms. Shikha Sharma,Adv.
Mr. Zeyaul Haque,Adv.
Mr. E.C. Agrawala,Adv.

Mr. Navin Chawla,Adv.
Mr. Vinobha Bhoopathy,Adv.

Mr. S.W.A. Qadri,Adv.
Ms. Shweta Verma,Adv.
Mr. Arvind Kumar Sharma,Adv.

Mr. Arun Kathpalia,Adv.
Mr. V.S. Thakur,Adv.
Mr. Virender Thakur,Adv.

Ms. Madhu Sikri, Adv.

Ms. Rakhi Ray, Adv.

Mr. V.K. Verma, Adv.

Mr. Ramji Srinivasan, Sr. Adv. (CA 5834-36/05)

Ms. Aninai Ghosh, Adv.

Mr. Manu Nair, Adv. (CA 5837/2005)

for M/s. Suresh A. Shroff & Co., Adv.

....5/-
- 5 -

Ms. Rachana Joshi Issar, Adv.

Ms. Nidhi Tewari, Adv.

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

Interlocutory Application Nos.3-4 for
impleadment are allowed.

Pending hearing and final disposal of these civil appeals, in respect of each additional Port, the Operators/Service Providers, who are before us, will give Bank guarantee of a Nationalised Bank on the difference between the rates applicable between 2001 and 2007 per Port.

However, it is made clear that the Registry will not accept the Bank guarantee unless and until the Chief Executive Officer of the Operators/Service Providers shall give an undertaking in the form of an affidavit that in the event of BSNL succeeding in the matter, each of the applicants, who has given Bank Guarantee, would have to pay interest at the rate which may be fixed by the Court at the time of final hearing of the matters.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar