

ITEM NO.2

COURT NO.11

SECTION XVII

SUPR EME COUR T OF I N D I A
 RECORD OF PROCEEDINGS
 I.A. NO. 4 IN CIVIL APPEAL NO(s). 2513 OF 2007

CHAIRMAN & MD, M.T.N.L. & ORS.

Appellant (s)

VERSUS

RELIANCE INFOCOM LTD.& ANR.

Respondent(s)

(for modification of Court's Order)

WITH I.A. No.2 in Civil Appeal NO. 2906 of 2007
 [apln. for modification of court's order)

Date: 17/08/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR

HON'BLE MR. JUSTICE DEEPAK VERMA

For Appellant(s) Mr. Arun Katpalia, Adv.
 Ms. Madhu Sikri, Adv.

For Respondent(s) Mr. J.J. Bhatt, Sr. Adv.
 Ms. Anjali Chandulkar, Adv.
 Mr. Kshatrashal Raj, Adv. for
 Mr. Abhijat P. Medh, Adv.

Mr. Sanjay Kapur ,Adv

Mr. E.C. Agrawala, Adv.

UPON hearing counsel the Court made the following
 ORDER

This Court on 17.5.2007 passed the following order in
 C.A. No.2513 of 2007.

"Taken on Board.

Admit.

Ms. Manali Singhal, Advocate, who is on caveat,
 accepts notice on behalf of the respondent and

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seeks time to file counter-affidavit.

Issue notice on stay.

In the meantime, operation of the impugned order
 is stayed.

Counter-affidavit be filed within four weeks and
 rejoinder, if any, within four weeks' thereafter.
 To come up after eight weeks."

Further, this Court on 16.7.2007 passed the following
 order on 16.7.2007 in Civil Appeal No. 2906 of 2007:

"Admit.

To be heard along with Civil Appeal No. 2513 of
 2007.

During the pendency of the appeal, respondent
 shall pay the rent determined by the Tribunal

(see clause 7.3 at page NO. 15 of the paper book and furnish bank guarantee for the remaining amount within four weeks from today. Proceedings before the authority, as per directions given by the Tribunal, are stayed."

The net result of these orders was that the whole process was stayed.

I.A. Nos. 4 in C.A. No. 2513 of 2007 and I.A. No. 2 in Civil Appeal No. 2906 of 2007 have been filed for modification of aforesaid orders.

Today, it is pointed out to us that if the whole process is stayed, then it will freeze the whole exercise prematurely. We, therefore, modify the orders dated 17.5.2007 and 16.7.2007 to the extent that the process may continue, however the final orders may not be passed in the matter.

I.A. Nos. 2 and 4 stand disposed of accordingly.
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(Pardeep Kumar)
Court Master

(Shashi Bala Vij)
Court Master