

SECTION XVII

MATTER FOR : 08.01.2016

R/COURT NO. : 02

ITEM NO. : 88

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7866-7870 OF 2012

Mahanagar Telephone Nigam Ltd. ... Appellant
VERSUS
Cellular Operators Assn. Of India & Ors. ... Respondents

OFFICE REPORT FOR PRE-FINAL HEARING

The matter above mentioned was listed before the Hon'ble Court on 05th November, 2012, when the court was pleased to pass the following order:-

“Exemption allowed.

Appeals admitted.

Issue notice on the applications for condonation of delay.

Let the matter be heard along with Civil Appeal No.7034 of 2011, admitted on 21st August, 2012.

Mr. S. Ganesh, learned senior counsel, has instructions to appear for all the respondents. Accordingly, service of notice on the respondents is dispensed with. The matter may, therefore be treated as ready as far as service is concerned.

The respondents will be entitled to file their counter affidavits within four weeks from today. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

The appellant-Nigam shall make payment of the dues of the respondents in terms of the Order of the Telecom Disputes Settlement and Appellate Tribunal and such payment will be subject to the final decision in these appeals.”

It is submitted that there are common respondents in all the civil appeals and the service of notice on the respondents is dispensed vide Hon'ble Court's order dated 05.11.2012. The service of Notice of Lodgement of Petition of Appeal is complete in both the matters.

It is also submitted that no counter and rejoinder affidavit has been filed by the respective counsels so far.

It is further submitted that the counsel for the appellant and counsel for the respondents have not filed their respective statement of case so far.

It is also submitted that proviso 32(2) of Order XIX of New SCR 2013 read as "Provided that where as appellant and respondents who have entered appearance, does not file a statement of case within the time, as provided in sub-rule(1) it shall be presumed that the appellant and respondents does not desire to lodge statement of case in the appeal."

The matters above-mentioned are listed before the Registrar Court for Pre-Final hearing under Order V(I) Rule 30 of SCR 2013 with this office report.

DATED THIS THE 08TH DAY OF DECEMBER, 2015.

ASSISTANT REGISTRAR

Copy to : Mr. Ritesh Kumar, Advocate
 Mr. S. Ganesh, Advocate

ASSISTANT REGISTRAR