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SLP(C)No. 24345-24346 OF 2004

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7846-7847 OF 2004
(Arising out of SLP(C)Nos.24345-24346 of 2004)

Bharat Sanchar Nigam Ltd.... Appellant

VERSUS

Reliance Infocom Limited...Respondent

O R D E R

Heard learned counsel for the parties.

Leave granted.

Since the appeal before the Division Bench of the High Court is pending, we think it appropriate not to express any opinion on the issues raised in these appeals. However, we request the High Court, Appellate Bench, to decide the appeal pending before it at the earliest but not later than 31st of January, 2005. In the meantime, the respondent shall deposit the amount demanded by the appellant at Annexure P-6 page 102 found in the SLP paper book within four weeks from today, neither of the parties shall seek any adjournment in the matter and

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cooperate with the High Court in getting the matter disposed of at the earliest. Pleadings, if any, be exchanged in advance.

Learned counsel appearing for the appellant had contended that in view of Section 15 of the TRAI Act, the Civil Court has no jurisdiction to decide the dispute between the parties nor do the Arbitrators have the jurisdiction to decide the pending dispute between the parties.

The learned counsel appearing for the respondent had strongly opposed this contention. Since the matter is now pending consideration before the Appellate Bench of the High Court, we think it unnecessary for us to decide this question, hence, we express no opinion in this regard.

We notice from the impugned order that the respondent has undertaken to file an affidavit before the High Court in regard to the correction of the CLI which we are told has not yet been done, if so, such an affidavit will be filed by the respondent within four weeks from today.

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The direction made by us in regard to the payment of the amount as demanded by the appellant as per Annexure P-6 is only an interim arrangement and the same is subject to the final decision.

With the above observations, these appeals are disposed of.

.....J.
(N. SANTOSH HEGDE)

.....J.
(S.B. SINHA)
NEW DELHI,
DECEMBER 03, 2004.

ITEM No.32

Court No. 2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

(From the judgement and order dated 05/11/2004 in FAO 232/04
of The HIGH COURT OF DELHI AT N. DELHI)

BHARAT SANCHAR NIGAM LTD.

Petitioner (s)

VERSUS

RELIANCE INFOCOM LTD.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for exemption from filing c/c of the impugned Judgment
and permission for filing to DIM documents))

I.A.Nos.5-6, 9-10, (applns. for permission to file addl. documents) and
I.A.Nos.7-8 (appln. for permission to file DIM documents)

Date : 03/12/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. Soli J. Sorabjee, Sr.Adv.
Mr. C.A. Sundaram, Sr.Adv.
Ms. Pratibha M. Singh, Adv.
Mr. Ankur Talwar, Adv.

Mr. Maninder Singh,Adv.

For Respondent (s)Mr. Harish N. Salve, Sr.Adv.
Mr. Mukul Rohtagi, Sr.Adv.
Mr. Atul S. Dayal, Adv.
Mr. Milind Sathe, Adv.
Mr. K.S. Sasiprabhu, Adv.
Mr. Ashwin Dave, Adv.
Ms. Meenakshi Grover, Adv.
Mrs. Saloni Gupta, Adv.

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UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

With the observations made in the signed order, the
appeals are disposed of.

(PAWAN KUMAR)(PREM PRAKASH)
COURT MASTER COURT MASTER

(signed order is placed on the file)