

ITEM NO.102

COURT NO.4

SECTION XVII

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

Civil Appeal No(s). 311-318/2008

DEPT.OF TELECOMMUNICATION &amp; ORS.

Appellant(s)

VERSUS

DATA ACCESS INDIA LIMITED

Respondent(s)

( [ PART-HEARD BY HON'BLE ARUN MISHRA, HON'BLE S. ABDUL NAZEER AND  
HON'BLE M.R. SHAH, JJ. ] )

WITH

C.A. No. 565-568/2008 (XVII)

(and IA No.102801/2017-CLARIFICATION/DIRECTION)

C.A. No. 6575/2010 (XVII)

(FOR STAY APPLICATION ON IA 2/2010

IA No. 2/2010 - STAY APPLICATION)

C.A. No. 6664-6669/2010 (XVII)

C.A. No. 4896/2010 (XVII)

C.A. No. 10675/2010 (XVII)

C.A. No. 10676/2010 (XVII)

C.A. No. 9827/2010 (XVII)

C.A. No. 4430/2011 (XVII)

C.A. No. 258/2012 (XVII)

(FOR STAY APPLICATION ON IA 2/2012

IA No. 2/2012 - STAY APPLICATION)

C.A. No. 5921/2012 (XVII)

C.A. No. 5582-5583/2012 (XVII)

C.A. No. 5574/2012 (XVII)

C.A. No. 5575/2012 (XVII)

C.A. No. 5576/2012 (XVII)

C.A. No. 5572/2012 (XVII)

C.A. No. 6645/2012 (XVII)

C.A. No. 6328-6399/2015 (XVII)

(FOR STAY APPLICATION ON IA 1-72/2015)

FOR STAY APPLICATION ON IA 73-144/2015  
 FOR IMPLEADMENT ON IA 145-216/2016  
 FOR AMENDMENT IN CAUSE TITLE ON IA 217-227/2016  
 IA No. 217/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 145/2016 - Impleadment  
 IA No. 73/2015 - STAY APPLICATION  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 6183-6255/2015 (XVII)  
 (FOR ON IA 74/2015  
 FOR STAY APPLICATION ON IA 147/2015  
 FOR INTERVENTION APPLICATION ON IA 220/2016  
 FOR ON IA 221/2016  
 FOR EARLY HEARING APPLICATION ON IA 222/2016  
 IA No. 221/2016 - additional facts and grounds  
 IA No. 222/2016 - EARLY HEARING APPLICATION  
 IA No. 220/2016 - INTERVENTION APPLICATION  
 IA No. 74/2015 - permission to raise additional grounds  
 IA No. 147/2015 - STAY APPLICATION)  
 C.A. No. 5832-5852/2015 (XVII)

C.A. No. 5909/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 6009/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 5996/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR Amendment in Cause Title ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 5957/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR Amendment in Cause Title ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 5997/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR Amendment in Cause Title ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 5998/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 6011/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 6002/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015

FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 6010/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 6012/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 8496-8505/2015 (XVII)  
 (FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
 21/2015  
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 31/2015  
 IA No. 21/2015 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
 IA No. 31/2015 - PERMISSION TO FILE ANNEXURES)  
 C.A. No. 8493-8495/2015 (XVII)  
 (FOR CONDONATION OF DELAY IN FILING APPEAL ON IA 1/2015  
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 7/2015  
 IA No. 7/2015 - PERMISSION TO FILE ANNEXURES)  
 C.A. No. 5929/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 5911/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 5882/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 3/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY  
 IA No. 3/2016 - PERMISSION TO FILE ANNEXURES)  
 C.A. No. 5931/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR Amendment in Cause Title ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 5934/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 5930/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR Amendment in Cause Title ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)

**C.A. No. 6888-6895/2015 (XVII)**  
**(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 9/2015**  
**FOR EX-PARTE STAY ON IA 17/2015**  
**FOR [PERMISSION TO FILE ANNEXURES] ON IA 25/2015**  
**IA No. 17/2015 - EX-PARTE STAY**  
**IA No. 9/2015 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**  
**IA No. 25/2015 - PERMISSION TO FILE ANNEXURES)**  
**C.A. No. 6003/2015 (XVII)**  
**(FOR STAY APPLICATION ON IA 1/2015**  
**FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016**  
**IA No. 2/2016 - AMENDMENT IN CAUSE TITLE**  
**IA No. 1/2015 - STAY APPLICATION)**  
**C.A. No. 6004/2015 (XVII)**  
**(FOR STAY APPLICATION ON IA 1/2015**  
**FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016**  
**IA No. 2/2016 - AMENDMENT IN CAUSE TITLE**  
**IA No. 1/2015 - STAY APPLICATION)**  
**C.A. No. 8506-8530/2015 (XVII)**  
**(FOR STAY APPLICATION ON IA 26/2015**  
**FOR [PERMISSION TO FILE ANNEXURES] ON IA 51/2015**  
**IA No. 51/2015 - PERMISSION TO FILE ANNEXURES**  
**IA No. 26/2015 - STAY APPLICATION)**  
**C.A. No. 8009-8017/2015 (XVII)**  
**(FOR STAY APPLICATION ON IA 1/2015**  
**FOR STAY APPLICATION ON IA 10/2015**  
**FOR AMENDMENT IN CAUSE TITLE ON IA 19/2016**  
**IA No. 19/2016 - AMENDMENT IN CAUSE TITLE**  
**IA No. 10/2015 - STAY APPLICATION**  
**IA No. 1/2015 - STAY APPLICATION)**  
**C.A. No. 344/2016 (XVII)**  
**(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 2/2016**  
**FOR STAY APPLICATION ON IA 3/2016**  
**IA No. 2/2016 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**  
**IA No. 3/2016 - STAY APPLICATION)**  
**C.A. No. 498/2016 (XVII)**  
**(FOR STAY APPLICATION ON IA 2/2016**  
**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 3/2016**  
**FOR [PERMISSION TO FILE ANNEXURES] ON IA 4/2016**  
**IA No. 3/2016 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**  
**IA No. 4/2016 - PERMISSION TO FILE ANNEXURES**  
**IA No. 2/2016 - STAY APPLICATION)**  
**C.A. No. 497/2016 (XVII)**  
**(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 2/2016**  
**FOR [PERMISSION TO FILE ANNEXURES] ON IA 3/2016**  
**IA No. 2/2016 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**  
**IA No. 3/2016 - PERMISSION TO FILE ANNEXURES)**  
**C.A. No. 493/2016 (XVII)**  
**(FOR STAY APPLICATION ON IA 2/2016**  
**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 3/2016**

FOR [PERMISSION TO FILE ANNEXURES] ON IA 4/2016  
 IA No. 3/2016 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
 IA No. 4/2016 - PERMISSION TO FILE ANNEXURES  
 IA No. 2/2016 - STAY APPLICATION)  
 C.A. No. 14624/2015 (XVII)  
 (FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
 2/2015  
 FOR STAY APPLICATION ON IA 3/2015  
 IA No. 2/2015 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
 IA No. 3/2015 - STAY APPLICATION)  
 C.A. No. 13550/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 13705-13711/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 8/2016  
 IA No. 8/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 13590/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13587/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13586/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13585/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 13591/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 13538/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13588/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015

FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13593/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13595-13596/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 3/2016  
 IA No. 3/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13584/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 13574/2015 (XVII)  
 (FOR EX-PARTE STAY ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - EX-PARTE STAY)  
 C.A. No. 13681/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13581-13582/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13592/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13699/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13697/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13698/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015  
 FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 13680/2015 (XVII)  
 (FOR STAY APPLICATION ON IA 1/2015

FOR AMENDMENT IN CAUSE TITLE ON IA 2/2016  
 IA No. 2/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 1/2015 - STAY APPLICATION)  
 C.A. No. 3099/2016 (XVII)  
 (FOR STAY APPLICATION ON IA 2/2016  
 FOR ON IA 4/2016  
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 5/2016  
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 6/2016  
 IA No. 4/2016 - Directions  
 IA No. 6/2016 - PERMISSION TO FILE ANNEXURES  
 IA No. 5/2016 - PERMISSION TO FILE ANNEXURES  
 IA No. 2/2016 - STAY APPLICATION)  
 C.A. No. 6022-6044/2016 (XVII)  
 (FOR STAY APPLICATION ON IA 47/2016  
 FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 70/2016  
 FOR AMENDMENT IN CAUSE TITLE ON IA 93/2016  
 IA No. 93/2016 - AMENDMENT IN CAUSE TITLE  
 IA No. 70/2016 - PERMISSION TO FILE LENGTHY LIST OF DATES  
 IA No. 47/2016 - STAY APPLICATION)  
 SLP(C) No. 20219/2016 (III)  
 C.A. No. 8646-8648/2018 (XVII)  
 (FOR ADMISSION and I.R. and IA No.114175/2018-CONDONATION OF DELAY  
 IN FILING and IA No.114180/2018-EXEMPTION FROM FILING C/C OF THE  
 IMPUGNED JUDGMENT and IA No.114178/2018-STAY APPLICATION)

Date : 24-07-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
 HON'BLE MR. JUSTICE S. ABDUL NAZEER  
 HON'BLE MR. JUSTICE M.R. SHAH

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Mr. Saumyen Das, Adv.

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Mr. Gurmeet Singh Makker, AOR

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M/S. Corporate Law Group, AOR  
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Ms. Sumita Hazarika, AOR  
Mr. Harsh Kaushik, AOR  
Ms. Dharitry Phookan, AOR  
Mr. Praveen Kumar, AOR  
Mr. Rajan Narain, AOR  
Mr. Naveen Kumar, AOR  
Mrs. Bina Gupta, AOR  
Mr. Arvind Kumar Sharma, AOR  
Mr. Swetank Shantanu, AOR  
Mr. Sunil Kumar Jain, AOR  
Mr. Kishore Kunal, AOR  
Mr. Mohit Paul, AOR  
Mr. Abhijat P. Medh, AOR

Mr. K. R. Sasiprabhu, AOR  
Mr. Gurmeet Singh Makker, AOR

Mrs. Anil Katiyar, AOR  
Mr. Faisal Sherwani, AOR

Mr. Gaurav Kejriwal, AOR  
Mr. E. C. Agrawala, AOR

Mr. Rameshwar Prasad Goyal, AOR  
Mr. Devashish Bharuka, AOR

M/S. Parekh & Co., AOR  
Mr. Pukhrambam Ramesh Kumar, AOR

M/S. Dua Associates, AOR  
Ms. B. Vijayalakshmi Menon, AOR

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

Dr. A. M. Singhvi, learned senior counsel, started his arguments at 10.50 AM and was on his legs when the Court rose for the day.

Arguments remained uncompleted.

List tomorrow i.e. on 25.07.2019 as Part Heard.

**(JAYANT KUMAR ARORA)  
COURT MASTER**

**(JAGDISH CHANDER)  
BRANCH OFFICER**