

ITEM NO.301

COURT NO.3

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

Miscellaneous Application No. 266/2020 in C. A. No. 6328-6399/2015

UNION OF INDIA THROUGH SECRETARY

Petitioner(s)

VERSUS

ASSOCIATION OF UNIFIED TELECOM
SERVICE PROVIDERS OF INDIA

Respondent(s)

(FOR FOR APPLICATION FOR PERMISSION ON IA 13649/2020 FOR impleading party ON IA 13656/2020 FOR INTERVENTION/IMPLEADMENT ON IA 13656/2020 FOR CLARIFICATION/DIRECTION ON IA 13666/2020
IA No. 13649/2020 - APPLICATION FOR PERMISSION
IA No. 13666/2020 - CLARIFICATION/DIRECTION
IA No. 13656/2020 - INTERVENTION/IMPLEADMENT)

WITH

Diary No(s). 303/2020 (XVII)
(FOR MODIFICATION ON IA 1047/2020
FOR CONDONATION OF DELAY IN FILING ON IA 1054/2020
IA No. 1054/2020 - CONDONATION OF DELAY IN FILING
IA No. 1047/2020 - MODIFICATION)

Diary No(s). 2450/2020 (XVII)
(FOR MODIFICATION ON IA 11628/2020
IA No. 11628/2020 - MODIFICATION)

Diary No(s). 2458/2020 (XVII)
(FOR MODIFICATION ON IA 11657/2020
IA No. 11657/2020 - MODIFICATION)

Diary No(s). 2461/2020 (XVII)
(FOR MODIFICATION ON IA 11674/2020
IA No. 11674/2020 - MODIFICATION)

Diary No(s). 2476/2020 (XVII)
(FOR MODIFICATION ON IA 11730/2020
IA No. 11730/2020 - MODIFICATION)

Diary No(s). 2578/2020 (XVII)
(FOR MODIFICATION ON IA 12036/2020
IA No. 12036/2020 - MODIFICATION)

MA 411-482/2020 in C.A. No. 6328-6399/2015 (XVII)
(FOR APPLICATION FOR PERMISSION ON IA 14007/2020
FOR impleading party ON IA 14023/2020

FOR INTERVENTION/IMPLEADMENT ON IA 14023/2020
 FOR CLARIFICATION/DIRECTION ON IA 14025/2020
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 16159/2020

IA No. 14007/2020 - APPLICATION FOR PERMISSION
 IA No. 14025/2020 - CLARIFICATION/DIRECTION
 IA No. 14023/2020 - INTERVENTION/IMPLEADMENT
 IA No. 16159/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

MA 267-338/2020 in C.A. No. 6328-6399/2015 (XVII)
 IA No. 14370/2020 - APPLICATION FOR PERMISSION
 IA No. 14375/2020 - CLARIFICATION/DIRECTION)

MA 339-410/2020 in C.A. No. 6328-6399/2015 (XVII)
 (FOR APPLICATION FOR PERMISSION ON IA 14389/2020
 FOR CLARIFICATION/DIRECTION ON IA 14391/2020
 IA No. 14389/2020 - APPLICATION FOR PERMISSION
 IA No. 14391/2020 - CLARIFICATION/DIRECTION)

W.P.(C) No. 238/2020 (PIL-W)
 (FOR ADMISSION and IA No.17942/2020-EX-PARTE STAY[TAG WITH DY. NO.
 2578/2020 IN CA NOS. 8646-48 OF 2018.]

Date : 14-02-2020 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

Counsel for the
 parties

Mr. Tushar Mehta, Solicitor General
 Mr. Vikramajit Banerjee, ASG
 Mr. Arijit Prasad, Sr. Adv.
 Mr. G. S. Makker, Adv.

Mr. Mukul Rohtagi, Sr. Adv.
 Mr. Jasmeet Singh, Adv.
 Mr. Sandeep Chilana, Adv.
 Mr. Rusheet Saluja, Adv.
 Mr. Saif Ali, Adv.
 Mr. Satyendra Mani Tripathi, Adv.
 Mr. Pushpendra Singh Bhadoriya, Adv.
 Mr. Abhishek Mohanty, Adv.
 Mr. Naman Joshi, Adv.

Mr. F. S. Nariman, Sr. Adv.
 Mr. Mukul Rohtagi, Sr. Adv.
 Mr. N. K. Kaul, Sr. Adv.
 Mr. Mahesh Agarwal, Adv.

Ms. Shally Bhasin, Adv.
Mr. Victor Das, Adv.
Ms. Sayaree Basu Mallik, Adv.
Ms. Vaishali Kalera, Adv.
Mr. Saloni Mahajan, Adv.
Mr. E. C. Agrawala, Adv.

Mr. K. V. Vishwanathan, Sr. Adv.
Mr. Tarun Johri, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Nitin Kala, Adv.
Mr. Kunal Singh, Adv.
Mr. Manjul Vajpai, Adv.
Mr. Jagjit Singh, Adv.
Mr. P. Ramesh Kumar, Adv.

Mr. Arvind P. Datar, Sr. Adv.
Mr. Mansoor Ali Shoket, Adv.
Mr. Kunal Singh, Adv.
Mr. Santosh Sachin, Adv.
Ms. Ranjeeta Rohtagi, Adv.

Mr. Brijender Chahar, Sr. Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. Sriram P., Adv.
Mr. P. Vishnu Shankar, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Manjul Bajpai, Adv.
Mr. Jagjeet Singh, Adv.
Mr. Mansoor Ali Shoket, Adv.
Mr. Nitin Kala, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.
Mr. Karun Sharma, Adv.
Mr. Kunal Singh, Adv.

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Maninder Singh, Sr. Adv.
Mr. Ravi Prakash, Adv.
Ms. Bani Dikshit, Adv.
Mr. Prashant Rana, Adv.
for M/s DSK Legal

Mr. Arvind P. Datar, Sr. Adv.
Mr. Pinaki Mishra, Sr. Adv.
Mr. Ramji Srinivasan, Sr. Adv.
Ms. Manali Singhal, Adv.
Mr. Mansoor Ali Shoket, Adv.
Mr. Santosh Sachin, Adv.
Mr. Deepak Singh Rawat, Adv.
Mr. Ranjeeta Rohtagi, Adv.

Dr. A. M. Singhvi, Sr. Adv.
 Mr. Gopal Jain, Sr. Adv.
 Mr. Harsh Kaushik, Adv.
 Mr. Abhay Chattopadhyay, Adv.
 Ms. Nikita Chitale, Adv.
 Mr. Atul Menon, Adv.
 Ms. Anshula, Adv.
 Mr. Amit Bhandari, Adv.

Mr. Meet Malhotra, Sr. Adv.
 Mr. Ravi S. Chauhan, Adv.
 Mr. Pratap Shanker, Adv.
 Ms. Shilpi Shrivastava, Adv.
 Mr. Swetank Shantanu, Adv.

Mr. Wasim A. Qadri, Sr. Adv.
 Mr. Vibhu Shankar Mishra, Adv.
 Ms. Snidha Mehra, Adv.
 Mr. B. V. Balram Das, Adv.

Mr. Sriram P., AOR
 M/S. D.s.k. Legal, AOR
 Mr. Tarun Johri, AOR
 Mr. Jasmeet Singh, AOR
 Mr. Pukhrambam Ramesh Kumar, AOR
 Mr. Harsh Kaushik, AOR
 Ms. Ranjeeta Rohatgi, AOR
 Mr. E. C. Agrawala, AOR
 Mr. Swetank Shantanu, AOR

For Respondent(s)

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

MA No. 266/2020 in C. A. No. 6328-6399 of 2015 [ITEM NO. 301]

M.A.D.NO. 303 OF 2020 [ITEM NO. 301.1]

MA NO. 339-410/2020 IN C. A. NO. 6328-6399 OF 2015 [ITEM NO.301.9]

MA.NO. 267-338/2020 IN C. A. NO. 6328-6399 OF 2015 [ITEM NO. 301.8]

The learned senior counsel appearing for the applicants seek leave to withdraw these misc. applications with liberty to avail appropriate remedy before appropriate forum in accordance with law, in case necessity arises.

With the above liberty, the misc. applications are disposed of as withdrawn.

This case projects a very disturbing scenario. The companies have violated the order passed by this Court in pith and substance. In spite of the dismissal of the Review application, they have not deposited any amount so far. It appears the way in which things are happening that they have scant respect to the directions issued by this court. A Desk Officer of the Department of Telecommunications has the temerity to pass the order to the effect of issuing a direction to the Accountant General, another Constitutional Authority, *"not to insist for any payment pursuant to the order passed by this Court and not to take any coercive steps till further orders."* This is nothing but a device to scuttle order of this Court. This kind of order should not have been passed by the Desk Officer at all.

In the circumstances, we draw contempt proceedings against the Desk Officer for passing the order and violating the order passed by this Court. The Managing Directors/Directors of the companies also to show cause why we should not initiate contempt proceedings against them for violating the order passed by this Court by not depositing the amount, on the next date of hearing. Let the concerned Officer, sitting over the order passed by this Court, also file reply.

It is made clear that in case the order passed by this Court is not complied with, the above persons shall remain personally

present in Court on the next date of hearing.

List on 17.03.2020.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER