

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.930 OF 2016**

**State Bank of India**

**..Petitioner**

**Versus**

**The Adjudicating Officer**

**& Principal Secretary,**

**Department of Information Technology,**

**Government of Maharashtra and others**

**..Respondents**

**Mr. Girish Utangale a/w Chetan Mhatre, Suyash Gadre i/by Utangale & Co., for the Petitioner.**

**Mr. Shaikh Mohd. Ibrahim i/by Siddiquee Rizwan Alam for the Respondent Nos.2 and 3.**

**Mr. B. M. Chatterji, Senior Advocate a/w Mr. A. A. Garde for the Respondent No.4.**

**CORAM : R. M. SAVANT &  
SMT. SADHANA S. JADHAV, JJ  
DATE : 11<sup>th</sup> JULY, 2017**

**PC.**

1           The above Writ Petition was filed in view of the fact that the post of Chairman of the Cyber Appellate Tribunal had fallen vacant and therefore there was no forum available to the Petitioner. The Learned Senior Counsel Mr. B. M. Chatterji who usually appears for the Union of India and who this Court had requested to assist has produced before us the letter dated 19.06.2017 addressed by Sanjit Choudhury, Deputy Director, Ministry of Communications and Information Technology in the

Department of Electronics and Information Technology addressed to Shri. G. Hariharan, Senior Counsel Group-I, High Court of Bombay. In the said letter, it has been mentioned that the Government of India has been involved in the exercise of merger of various Tribunals and Autonomous Societies in the country with a view to streamline the things. It is further mentioned in the said letter that in connection with the Cyber Appellate Tribunal the circular dated 31.05.2017 alongwith the Gazette Notification dated 26.05.2017 has been enclosed. The said circular is in respect of the transferring/merging of the Cyber Appellate Tribunal (CyAT) into Telecom Disputes Settlement Appellate Tribunal (TDSAT) established under the Telecom Regulatory Authority Act, 1997. The Gazette Notification dated 26.05.2017 which is annexed to the said letter dated 19.06.2017 contains the various amendments which have been carried out to the Information Technology Act, 2000 and especially the amendment to the provisions relating to the Appellate Tribunal. The amended Act now provides for the substitution of the Appellate Tribunal by the TDSAT by virtue of the amendment carried out to Section 48 of the Information Technology Act, 2000.

2           Hence, in view of the said amendment and the transfer/merger of the CyAT with the TDSAT, the Petitioner would now have to approach the TDSAT, New Delhi by way of an Appeal, which we

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are informed was already filed by the Petitioner with the CyAT. The Petitioner may file an application for the transfer of the said Appeal to the TDSAT if such transfer has already not taken place. To facilitate the above, the interim order which is in operation in the above Petition would continue to operate for a period of four weeks from date. The above Writ Petition to accordingly stand disposed of.

**[SMT. SADHANA S. JADHAV, J]**

**[R.M.SAVANT, J]**