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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 811/2017**

KAMALJEET YADAV & ANR Petitioners
Through **Md. Azam Ansari, Advocate with**
Petitioner nos.1 & 2 in person

versus

SUNIL BHARTI MITTAL Respondent
Through **Mr. Harsh Kaushik, Advocate**

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **05.12.2017**

CONT.CAS(C) 811/2017 and CM APPL. 44252/2017 (for directions)

Instant petition has come to be filed alleging violation of the order dated 14.11.2017, the operative portion, whereof, reads, as under:

“
.....
2. Respondent no.1 is not a State within the meaning of Article 12 of the Constitution of India; it is a service provider and, therefore, this Court does not consider it apposite to entertain such relief against respondents. Needless to state that if there is a procedure prescribed for customers to obtain their phone records from the service provider, respondent no.1 shall duly entertain a request in this regard as per the procedure established.
.....”

Petitioner alleges violation of the above said order on the

premise that though he has made an application to the respondent no.1, copy whereof is Annexure CP-3 at running page 16 of the instant petition, the information has not yet been furnished. The petitioner however, accepts the fact that the direction given is for applying to the service provider, as per the procedure prescribed for customers. Ld. Counsel for the petitioner however, fails to point out that the application made is as per the procedure prescribed, for compliance. Ld. Counsel appearing for respondent no.1, on his part, submits that what the petitioner seeks is the call data record, which, as per the statutory obligations cast upon the respondent no.1, cannot be furnished.

In totality of the facts and circumstances, I do not see any reason to entertain the instant petition. The same is rejected. Pending application stands disposed off.

A. K. CHAWLA, J

DECEMBER 05, 2017

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