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

+ W.P.(C) 10778/2017

DEHRADUN E-NET SOLUTION PRIVATE
LIMITED

..... Petitioner

Through: Mr Rohan Alva and Mr Simran Jyot
Singh, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Manish Mohan, CGSC with Ms
Manisha Saroha, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.12.2017

CM No.44133/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 10778/2017 & CM No.44132/2017

2. The petitioner has filed the present petition impugning an order dated 29.11.2017 passed by the Telecom Dispute Settlement Appellate Tribunal (TDSAT) in TP No.116/2017 captioned '***Dehradun E-Net Solution Private Limited v. Union of India and Anr.***' The petitioner had filed the aforesaid petition before the TDSAT impugning demand cum show cause notices - four in number - issued on 01.09.2017 and 09.10.2017. The petitioner had also sought interim relief restraining the respondents from enforcing the demand raised under the aforementioned demand cum show cause notices till the adjudication of the petition before the TDSAT.

3. By the impugned order, the petitioner's request for interim relief was partly allowed by directing that subject to the petitioner paying 50% of the demanded amount within one week, no coercive steps would be taken.

4. It is seen from the impugned order dated 29.11.2017 that the said order was passed on the basis of an earlier order dated 21.09.2017 passed by the TDSAT in TP No.77/2017 captioned '*M/s Southern Online Bio Technologies Ltd. v. Union of India & Ors.*'

5. The said order dated 21.09.2017 passed in TP No.77/2017 was subject matter of a writ petition being *W.P.(C) No.9508/2017 captioned 'M/s Southern Online Bio Technologies Ltd. v. Union of India & Ors.'*. The said petition was taken up hearing on 30.10.2017 and by an order dated 30.10.2017 passed in the said petition, the condition imposed by TDSAT regarding deposit of 50% of the demanded amount was stayed till the next of hearing and it was directed that no coercive action would be taken against the petitioner therein. The said interim order was made absolute on 27.11.2017 and the petition was disposed of.

6. Apparently, the said orders passed by this Court were not brought to the notice of the TDSAT. Thus, in conformity with the orders passed in *W.P.(C) 9508/2017*, the present petition is allowed and the condition to deposit 50% of the demanded amount is stayed. Accordingly, the impugned order dated 29.11.2017 passed by the TDSAT is modified to the extent that no coercive steps be taken against the petitioner till further orders are passed by TDSAT. In the meanwhile, TDSAT shall consider the petitioner's petition without insisting on any pre-deposit.

7. The petition is disposed of.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

DECEMBER 05, 2017/MK