

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-PIL-15385-2016 (O&M)
Date of Decision: April 04, 2019**

Harinder Dhingra

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.**

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Ishan Kaushal, Advocate,
for Mr. Karanvir Singh Khehar, Advocate,
for the petitioner.

Mr. Arun Gosain, Senior Panel Counsel,
for respondent Nos. 1, 2, 7 and 8.

Mr. Barjesh Mittal, Advocate,
for respondent Nos. 3 and 4.

Mr. Avinit Avasthi, AAG, Punjab,
for respondent No. 5.

Mr. Deepak Balyan, Addl. AG, Haryana,
for respondent No. 6.

KRISHNA MURARI, C.J. (ORAL)

This writ petition, in the nature of Public Interest Litigation, has been filed seeking a writ commanding the Union of India to finalise and act upon the audit report submitted by the Comptroller and Auditor General of India on 11.03.2016, after conducting audit of four years, i.e. 2006-07 to 2009-10, in respect of six telecom companies, namely, Bharti

Airtel, Vodafone, Reliance, Idea, Tata and Aircel, with respect to under-statement/under-reporting of income by these companies.

Learned counsel appearing for Union of India has made a statement before us that the issue in this Public Interest Litigation, in respect of all these companies having been raised, is confined to only States of Punjab, Haryana and Union Territory, Chandigarh, and the same issue is drawing attention of Hon'ble the Apex Court on PAN India basis in **Civil Appeal No. 5882 of 2015 (M/s Vodafone West Limited through its AVP. Gaurav Malhotra v. Union of India, Department of Telecommunications) and other connected matters.**

Written statement has been filed on behalf respondent Nos. 1, 2, 7 and 8 stating that it is not possible to enforce these demands or to take coercive steps against the defaulter telecom service providers in view of the fact that this matter is *sub-judice* before Hon'ble the Apex Court in Civil Appeal No. 5882 of 2015 and other connected matters and in view of the same the answering respondent has self-imposed restrictions on enforcement of these as well as other demands until final adjudication of the matter by Hon'ble the Supreme Court. In this connection it may be relevant to extract the order dated 29.02.2016, passed by Hon'ble the Supreme Court in the above case, which reads as under:-

“ Mr. P.S. Narasimha, learned Additional Solicitor General of India appearing for the Union of India states, that the Union of India will continue to raise demands as per its understanding, however, the same will

not be enforced till the final decision of the controversy by this Court.

The statement of the learned Additional Solicitor General of India is placed on record.

List for hearing after eight weeks, on a non-miscellaneous day.

Liberty is granted to the Union of India to file response to the applications for impleadment filed by Reliance Gio.

Needful be done within four weeks.”

In view of the pendency of the issue for adjudication before Hon’ble the Apex Court and the statement made by the Additional Solicitor General of India in the matter, noted in the order extracted above, the pendency of this petition any further before this Court is absolutely futile.

Accordingly, the proceedings are closed. The matter be consigned to records.

Since the main petition itself has been disposed of, no orders are required to be passed in the pending civil miscellaneous applications.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

April 04, 2019

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO