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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.777 OF 2023

ETHERNETXPRESS INDIA PVT. LTD.,
THR DIRECTOR MAHADEV GOVEKAR

... PETITIONER

Versus

UNION OF INDIA AND 2 ORS

... RESPONDENTS

Mr Alphy D'Souza with Mr Mark Valadares, Advocates for the
Petitioner.

Mr Raviraj Chodankar, Central Government Standing Counsel for
the Respondent-Union.

**CORAM:- M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED :- 11th December, 2023

P.C.:

1. Heard Mr Alphy D'Souza who appears along with Mr Mark Valadares for the Petitioner and Mr Raviraj Chodankar, Central Government Standing Counsel for the Respondents-Union.

2. Mr Chodankar points out that the Petitioner has alternate and efficacious remedy under the provisions of Section 14A of the Telecom Regulatory Authority of India Act, 1997 (said Act).

3. Accordingly, we had adjourned the matter on the last occasion to enable Mr Alphy D'Souza the obtain instructions as we were, prima

facie, satisfied that the Petitioner has alternate and efficacious remedy under the said Act.

4. Mr Alphy D'Souza, on instructions, states that the Petitioner will avail of the alternate remedy by instituting appeal under Section 14A of the said Act within 30 days from today. Accordingly, we dispose of this petition by giving liberty to the Petitioner to avail of the alternate remedy available under the said Act. Further, we record that this petition was instituted on 04.08.2023 challenging notices/orders dated 04.05.2023 and 08.05.2023. The matter was pending between 04.08.2023 and today. We are sure that this aspect will be considered by the Appellate Authority while examining the Petitioner's application for condonation of delay.

5. Mr Alphy D'Souza, on instructions, states that the demanded amount will be deposited without prejudice before the Appellate Authority/Tribunal. Based on this statement, we extend the interim order granted by the learned Vacation Judge on 22.11.2023 for a period of four weeks. However, we clarify that if the demanded amounts are not deposited by the Petitioner within four weeks before the Tribunal or before the Respondents, this interim relief shall stand vacated without any further reference to this Court.

6. The petition is disposed of with liberty in the above terms. There shall be no order for costs. All concerned to act on an authenticated

copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.