

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (STAMP) NO.29805 OF 2024
WITH
INTERIM APPLICATION NO.14268 OF 2024
IN
FIRST APPEAL (STAMP) NO.29805 OF 2024**

Vodafone Idea Limited

...Appellant/Applicant

Versus

Mr. Prashant Mahadeorao Buradkar & Ors.

...Respondents

Mr. Pradeep Sancheti a/w. Mr. Kaushik Moitra, Mr. Akshay Ayush & Ms Neeraja Barve i/b. Bharucha & Partners, Advocates for Appellant/Applicant.

Mr. Dhananjay B. Deshmukh a/w. Mr. Snehil Rai, Advocates for Respondent No.1.

Mr. P.B. Gujar, Advocate for Respondent No.3/SBI.

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : NOVEMBER 12, 2024

P. C.

1. The above Appeal challenges an Order dated 12th September, 2024 passed by the Telecom Disputes Settlement & Appellate Tribunal, Delhi (***“TD-SAT”***). Since this is in the nature of the First Appeal, the same is admitted. Hearing of the Appeal is expedited.

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2. Initially Respondent No.1 has filed a complaint being Complaint No.14 of 2013 before the Adjudicating Officer under the provisions of the Information Technology Act, 2000. This complaint was filed against State Bank of India (**"SBI"**) as well as the present Appellant. The Adjudicating Officer directed SBI as well as the present Appellant to pay to Respondent No.1 damages to the tune of Rs.6,00,000/- each within one month of the order, failing which compound interest of 12% compounded monthly, would also be payable. This order of the Adjudicating Officer is dated 18th February, 2014. This order of the Adjudicating Officer was challenged before the TD-SAT without any success. In other words, the Appeal filed before the TD-SAT was dismissed and the order of the Adjudicating Officer was confirmed.

3. We are informed that during the pendency of the Appeal before the TD-SAT, SBI as well as the present Appellant had deposited the principal amount of Rs.6,00,000/- each. On the dismissal of the Appeal, the amounts deposited by SBI as well as the present Appellant have been withdrawn by Respondent No.1 together with the accrued interest on the said deposits.

4. Considering these circumstances, as and by way of interim relief, we direct that the execution of the order of the Adjudicating Officer dated 18th February, 2014 shall remain stayed on the Appellant giving a solemn undertaking to this Court that if the present appeal fails, they shall pay the interest component as contemplated in the order of the Adjudicating Officer or in part thereof as may be directed by this Court, at the hearing of the Appeal.

5. The above Interim Application is disposed of in terms of this order.

6. It is clarified that the stay granted by this Court is only in relation to the directions of payment of interest qua the present Appellant, and not SBI, who has not yet challenged the impugned order by filing any Appeal.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]