

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST.) NO. 33978 OF 2024

WITH

INTERIM APPLICATION NO. 15500 OF 2024

IN

FIRST APPEAL (ST.) NO. 33978 OF 2024

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Vodafone Idea Limited

...Appellant/Applicant

Versus

Union of India

through the Ministry of Information
and Broadcasting and Ors.

...Respondents

Mr. Pradeep Sancheti, Senior Advocate, a/w. Mr. Akshay Ayush & Ms. Janhavi Sakalkar i/b Bharucha & Partners, for Appellant/Applicant.

CORAM: B. P. COLABAWALLA &

SOMASEKHAR SUNDARESAN, JJ.

Date : December 10, 2024

P. C.

1. The above Appeal challenges an Order dated 25th September, 2024 passed by the Telecom Disputes Settlement & Appellant 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.2 had filed a complaint being Complaint No. 26 of 2013 before the Adjudicating Officer under the provisions of the

Information Technology Act, 2000. This complaint was filed *inter alia* against State Bank of India (“**SBI**”) and three other banks as well as the present Appellant. The Adjudicating Officer directed SBI as well as other banks respectively to pay various amounts to Respondent No.2 as damages to the tune of Rs. 10,00,000/- 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 12th January, 2015. This order of the Adjudicating Officer was challenged before the TD-SAT *inter alia* by the Appellant, 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 pursuant to the Delhi High Court’s order dated 23rd February, 2015 passed in Writ Petition No. 1641 of 2015, the Appellant has furnished to the Registrar of the Hon’ble Delhi High Court, a bank guarantee for a sum of Rs. 10,00,000/- and the said bank guarantee is kept alive as directed by the Hon’ble Delhi High Court.

4. We are also told that by a further order dated 6th May, 2015, the Hon’ble Delhi High Court has disposed of Writ Petition No. 1641 of 2015 with the following directions :

(i) *The appeal filed by the Petitioner with the Tribunal will be prosecuted. The bank guarantee furnished in favour of the Registrar General of this court, will abide by the orders of the Tribunal.*

(ii) *Respondent No.2 will have the liberty to seek release of the money reflected in the bank guarantee, by moving an appropriate application before the Tribunal. In case the Tribunal is not made functional within a reasonable period of time, Respondent No.2 will have the liberty to approach this Court to take recourse to bank guarantee which, the Petitioner has furnished.*

(iii) *In case Respondent No.2 either does make an endeavor for release of the money as reflected by the bank guarantee in issue or is unsuccessful in such an attempt, Petitioner will keep the bank guarantee alive till its appeal is disposed of by the Tribunal, and for a period of three weeks thereafter.*

(iv) *Interim Order dated 23.02.2015 will continue to operate till appeal is disposed of by the Tribunal.*

5. From the record, we find that the order of the Tribunal does not contain any direction for any encashment of the bank guarantee or payment under the bank guarantee. Be that as it may, since the Appeal is now filed in this Court and the same is admitted, the Appellant is directed to deposit in this Court a sum of Rs. 10,00,000/- as a condition precedent for a stay of the impugned judgment and decree qua the Appellant. This amount of Rs. 10,00,000/- shall be deposited within a period of two weeks from today. If the aforesaid deposit is made, the Appellant herein is free to approach the Hon'ble Delhi High Court and seek a withdrawal of a bank guarantee that was furnished in Writ Petition No. 1641 of 2015.

6. Additionally, if the aforesaid amount of Rs. 10,00,000/- is deposited as directed by us, the execution of the order of the Adjudicating Officer dated 12th January, 2015 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 any part thereof as may be directed by this Court, at the hearing of the Appeal.

7. The above Interim Application is disposed of in the aforesaid terms. No order as to costs.

8. Liberty to Respondent No.2 to apply.

9. It is clarified that the stay granted by this Court is only in relation to the directions of payment qua the present Appellant, and not qua the directions given against any other party, who have not yet challenged the impugned order by filing any Appeal.

10. 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]