

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST.) NO. 33973 OF 2024

WITH

INTERIM APPLICATION NO. 15506 OF 2024

IN

FIRST APPEAL (ST.) NO. 33973 OF 2024

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Vodafone Idea Limited

...Appellant/Applicant

Versus

Harshada Bindu Dholepatil
& 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 and 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 had filed a complaint being Complaint No. 05 of 2014 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 Applicant. The Adjudicating Officer directed the present Appellant to pay to Respondent No.1 damages to the tune of Rs. 3,00,000/- 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 18th January, 2019. This order of the Adjudicating Officer was challenged before the TD-SAT 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 during the pendency of the Appeal before the TD-SAT, the present Appellant had deposited the principal amount of Rs.3,00,000/- before the TD-SAT. The Appellant has informed us that it is willing to transfer the said deposit before this Court. It is ordered accordingly.

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 January, 2019 shall remain stayed on the Appellant giving a solemn undertaking to this Court that the deposited amount shall be transferred to

this Court and also stating 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.

5. The above Interim Application is disposed of in terms of this order. No order as to costs.

6. 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]