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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.5073 of 2013

and

W.M.P. No.1 of 2013

Tata Communications Ltd.,
S. Rajyalakshmi, Deputy General Manager (Finance) ... Petitioner

Vs.

Ministry of Communications and Information Technology,
Department of Telecommunications,
Principal Controller of Communication of Accounts,
Tamil Nadu Circle,
No.238, 7th Floor, R.K. Mutt Road, Chennai-600 028. ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the respondent pertaining to impugned Show Cause Notice dated 31.01.2012 and consequential demand notice dated 19.02.2013 and quash the same and consequently prohibit the respondent from giving effect to the impugned demand notice.

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For Petitioner : Mr. K. Harikrishnan

For Respondents : Mr. N. Ramesh,
Senior Panel Counsel

ORDER

The learned counsel appearing for the Writ petitioner filed a memo dated 08.01.2024 as follows:-

"1. *The present writ petition has been filed by the petitioner, inter-alia, challenging the Demand Notice dated 19.02.2013, issued by the respondent, pertaining to the Financial Years 2006-2007 and 2007-2008. The issue involved in this Writ petition relates to the fixation of Adjusted Gross Revenue (AGR) and the License Fee (LF) payable by the petitioner. On the same issue, the proceedings initiated by the petitioner and the respondent herein are also pending before the Hon'ble Supreme Court of India in Civil Appeal Nos.565-568/2008 and Civil Appeal Nos.315-316/2008.*

2. The respondent has now issued a fresh Demand Notice dated 08.08.2023 pertaining to the same period i.e., 2006-2007 and 2007-2008 and includes the components,

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which are part of the demand notice under challenge before the Hon'ble Court. The notice dated 08.08.2023 has been challenged by the petitioner before the Telecom Disputes Settlement & Appellate Tribunal (TDSAT) in Telecom Petition 18/2023 and the Hon'ble TDSAT by order dated 14.08.2023 was pleased to grant an interim order in favour of the petitioner herein".

2. In view of the memo filed by the Writ petitioner, this Writ petition stands closed. No order as to costs. Connected miscellaneous petition is closed.

08.01.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
mjs

To

Ministry of Communications and Information Technology,
Department of Telecommunications,
Principal Controller of Communication of Accounts,
Tamil Nadu Circle,

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No.238, 7th Floor, R.K. Mutt Road, Chennai-600 028.

S.M.SUBRAMANIAM, J.

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