



2025:DHC:4877



\$~44, 45, 48, 49, 50, 53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 23.05.2025

+ **W.P.(C) 7023/2025**

(44) TELECOM REGULATORY AUTHORITY OF INDIA.....Petitioner
Through: Mr. Saket Singh (Sr. Adv) along with
Mr. Arjun Natarajan, Mr. Adhish
Rajvanshi, Advs.

versus

MS BHARTI AIRTEL LIMITED & ANR.Respondents
Through: Mr. Meet Malhotra (Sr. Adv) along
with Ms. Madhavi Agrawal, Mr. Ravi
Chauhan, Ms. Pallak Singh, Advs.

+ **W.P.(C) 7096/2025**

(45) TELECOM REGULATORY AUTHORITY OF INDIAPetitioner
Through: Mr. Saket Singh (Sr. Adv) along with
Mr. Arjun Natarajan, Mr. Adhish
Rajvanshi, Advs.

versus

RELIANCE JIO INFOCOMM LIMITEDRespondent
Through: Mr. Ramji Srinivasan, Sr. Adv., Mr.
K. R. Sasiprabhu, Mr. Aditya Swarup,
Mr. Vishnu Sharma AS, Ms. Namrata
Saraogi, Mr. Madhav Aggarwal and
Ms. Khushboo, Advs.

+ **W.P.(C) 7111/2025**

(48) TELECOM REGULATORY AUTHORITY OF INDIA.....Petitioner
Through: Mr. Saket Singh (Sr. Adv) along with
Mr. Arjun Natarajan, Mr. Adhish
Rajvanshi, Advs.

versus

VODAFONE IDEA LIMITEDRespondent
Through: Mr. Meet Malhotra, Sr. Adv., Mr.
Manjul Bajpai, Ms. Madhavi
Agrawal, Mr. Ravi Chauhan and Ms.
Pallak Singh, Advs.

+ **W.P.(C) 7113/2025**



2025:DHC:4877



(49) TELECOM REGULATORY AUTHORITY OF INDIA.....Petitioner
Through: Mr. Saket Singh (Sr. Adv) along with
Mr. Arjun Natarajan, Mr. Adhish
Rajvanshi, Adv.

versus

QUADRANT TELEVENTURES LIMITEDRespondent
Through: Ms. Shikha Sarin, Adv.

+ **W.P.(C) 7114/2025**

(50) TELECOM REGULATORY AUTHORITY OF INDIA.....Petitioner
Through: Mr. Mansoor Ali Shoket, Mr. Nitin
Kala, Mr. Kunal Singh, Mr. Sardar
Ali Shoket, Mr. Tanmay Jain and Ms.
Kanishka Rawat, Adv.

versus

TATA TELESERVICES LIMITED & ANR.Respondents
Through:

+ **W.P.(C) 7132/2025**

(53) TELECOM REGULATORY AUTHORITY OF INDIA.....Petitioner
Through: Mr. Saket Singh (Sr. Adv) along with
Mr. Arjun Natarajan, Mr. Adhish
Rajvanshi, Adv.

versus

SATZILIO TELECOM PVT LTD FORMERLY KNOWN AS V
CON MOBILE AND INFRA PVT LTD THROUGH ITS
AUTHORIZED REPRESENTATIVE MR VINAY PANDEY

.....Respondent

Through: Mr. Ravi S.S. Chauhan, Adv. for R1

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

CM APPLs.31611/2025 (Exemption from filing certified copies of orders)
and 31612/2025 (Exemption from filing certified copies of annexures)

CM APPLs.32065/2025 (Exemption from filing certified copies of orders)
and 32066/2025 (Exemption from filing certified copies etc. of annexures)

CM APPLs.32107/2025 (Exemption from filing certified copies of orders)



and 32108/2025 (Exemption from filing certified copies etc. of annexures)
CM APPLs.32112/2025 (Exemption from filing certified copies of orders)
and 32113/2025 (Exemption from filing certified copies etc. of annexures)
CM APPLs.32116/2025 (Exemption from filing certified copies of orders)
and 32117/2025 (Exemption from filing certified copies etc. of annexures)
CM APPLs.32219/2025 (Exemption from filing certified copies of orders)
and 32220/2025 (Exemption from filing certified copies etc. of annexures)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 7023/2025 and CM APPL.31610/2025 (Stay)
W.P.(C) 7096/2025 and CM APPL.32064/2025 (Stay)
W.P.(C) 7111/2025 and CM APPL.32106/2025 (Stay)
W.P.(C) 7113/2025 and CM APPL.32111/2025 (Stay)
W.P.(C) 7114/2025 and CM APPL.32115/2025 (Stay)
W.P.(C) 7132/2025 and CM APPL.32218/2025 (Stay)

3. By way of the present petitions, the petitioner assails certain interim order/s passed by the Telecom Disputes Settlement and Appellate Tribunal, New Delhi (TDSAT) in certain Telecom Appeals¹ which restrain the petitioner from taking any coercive steps to realise the “financial disincentive” imposed by the petitioner on the respondent/s for alleged failure to curb Unsolicited Commercial Communication (UCC) sent through their networks.

4. The factual matrix is identical in all these petitions. However, for the sake of convenience, W.P.(C) 7023/2025 captioned as ‘Telecom Regulatory Authority of India vs M/s Bharti Airtel Ltd. and Anr.’, is taken up as the lead matter. The reference to the facts as noted, unless the context indicates otherwise, are the facts as obtaining in the said petition.

¹ Telecom Appeal/1/2025; Telecom Appeal/2/2025; Telecom Appeal/3/2025; Telecom Appeal/4/2025; Telecom Appeal/5/2025 and Telecom Appeal/6/2025.



5. The impugned orders passed by the TDSAT, which the petition seeks to assail, read as under:-

Impugned order dated 28.01.2025 reads as under:-

1. Heard learned Counsels for the parties at length.
2. Issue notice to the respondent which is accepted by learned counsel Mr. Arjun Natarajan who is seeking time to file Vakalatnama, to take instructions and to file reply in the application for condonation of delay. Time, as prayed for, is granted till next date of hearing.
3. There have been allegations and counter-allegations from both sides, for instance, the appellants have submitted that at the time of issuance of impugned orders by the respondent, the deployment of Digital Consent Acquisition (DCA) was under way. The respondent is said to have acknowledged that there was initial hitch and teething problems with implementation of Telecom Commercial Communications Customer Preference Regulations, 2018 (for short, TCCCPR, 2018) and that delays in implementation were caused due to Covid-19 also. The Telecom Service Providers are not responsible for the delay in implementation of TCCCPR, 2018 including DCA.

Thus, it is unfair and arbitrary on the part of the respondent to impose Financial Disincentives (FDs) on the appellants for something which was beyond their control.
4. Similarly, the respondent has submitted that the orders of the Authority should be respected and complied with timely by the appellants.
5. Having heard the learned counsels for both the sides and looking to the facts and circumstances of the case, by way of interim measure, the respondent is restrained from taking any coercive steps against the appellants to realize the impugned demands, till the next date of hearing.
6. List the matter under the same heading on 13.02.2025.

Impugned order dated 13.02.2025 reads as under:-

1. Learned Counsels appearing for the appellants are seeking time to file reply to the affidavit filed by the respondent -TRAI. Time, as prayed for, is granted till the next date of hearing.
2. The matter is, therefore, adjourned to 3.4.2025.
3. The interim relief granted vide our order dated 28.1.2025 shall stand



continued to be operative till the next date of hearing.

Impugned order dated 03.04.2025 reads as under:-

1. *In condonation of delay applications in TA.1/2025 and TA.G/2025 rejoinder affidavit is to be filed as submitted by the counsel for the appellants. The time as prayed for, is granted to file rejoinder affidavit in condonation of delay applications preferred in the aforesaid two Appeals i.e. TA.1/2025 and TA.G/202 till the next date of hearing. In rest of the matters rejoinder affidavit has already been filed. If any rejoinder is to be filed before the Registry of this Tribunal, the same is permitted to be filed by any of the aforesaid appellants because in some cases copy of the rejoinder affidavit has been supplied to counsel for the respondent, but, physical copy is to be filed before this Tribunal. The same is also permitted to be filed by rest of the appellants.*

2. *These matters are, therefore, adjourned to 25.7.2025.*

3. *The interim order granted earlier vide our order dated 28.1.2025 in TA 1/2025, in TA 2/2025, in TA 3/2025 and vide order dated 31.1.2025 in TA 4/2025 and vide order dated 13.2.2025 in TA 5/2025 and TA 6/2025, shall stand continued to be operative till the next date of hearing.*

Impugned order dated 29.04.2025 reads as under:-

1. *MA Nos.136J137J138J139J140J141J all of the year 2025: These applications have been preferred mainly for vacating the stay granted by this Tribunal in Jan 2025. The stay was granted in presence of the counsel for TRAI.*

2. *We have heard at length learned counsels for the appellant as well as learned counsel appearing on behalf of TRAI. It appears that hearing these MAs for vacating the stav will be as good as final hearing of the Telecom Appeals. Therefore, at this stage we are fixing the date for final hearing of this Telecom Appeals on 17.7.2025. The earlier date granted is hereby replaced by the said date.*

3. *MA 126/2025 in TA 1/2025: This application has been preferred by original appellant seeking production of documents as stated the memo of this MA which are relevant for deciding the issue involved in the Telecom Appeal. Having heard for the learned counsel for appellant1 notice upon respondent in the MA which is accepted by the learned counsel Mr. Arjun Natrajan who is objecting the production of the documents and seeks time to get instructions.*



4. *If any reply is to be filed, the same shall be filed in this MA within a period of three weeks and if any further reply is to be filed the same is also permitted to be filed within a period of two weeks after receiving copy of the reply from TRAI.*

5. *The interim order granted earlier vide our order dated 28.1.2025 in TA 1/2025 in TA 2/2025 in TA 3/2025 and vide order dated 31.1.2025 in TA 4/2025 and vide order dated 13.2.2025 in TA 5/2025 and TA 6/2025 shall stand continued to be operative till the next date of hearing.*

6. As such, by way of the impugned orders, the petitioner (TRAI) has been restrained from taking any coercive steps against the concerned telecom providers pursuant to “financial disincentive” orders issued by the petitioner.

7. It is the case of the petitioner that the said “financial disincentive” orders have been issued in terms of Regulation 27 of Telecom Commercial Communications Customer Preference Regulations, 2018 (“TCCCPR 2018”). Further, the “financial disincentive” orders are speaking orders which were passed between 2020 and 2024 by the petitioner, being the concerned regulator. The said orders were necessitated to tackle the menace of Unsolicited Commercial Communications (UCC).

8. It is submitted that the impugned orders passed by the TDSAT have defeated the object behind the TCCCPR 2018 and are highly detrimental to the salutary object of taking action against Unsolicited Commercial Communications (UCC).

9. It is sought that the concerned telecom providers be directed to deposit the amount directed to be paid by them *vide* the “financial disincentive” orders as a precondition of any interim protection.

10. Respective counsel for the parties have been heard.

11. This Court is constrained to observe that the concerns highlighted by



2025:DHC:4877



the petitioner are quite justified, given that scourge of Unsolicited Commercial Communications (UCC) has assumed gigantic and alarming proportions. However, considering that the TDSAT is actively seized of the matter and has now posted the matter for hearing on 17.07.2025, this Court does not consider it apposite, at this stage, to interdict with the proceedings pending before the TDSAT, or to issue any interim direction/s.

12. Accordingly, the present petitions are disposed of with the request to the TDSAT to make an endeavour to dispose of the telecom appeals, which are the subject matter of these petitions, as expeditiously as possible.

13. It is assured by respective counsel for the parties that on the date for final hearing scheduled by TDSAT, no request for adjournment shall be made by either of the parties. If for some reason, the concerned telecom appeals cannot be taken up for final hearing on the scheduled date, the TDSAT is requested to consider the prayer of the petitioner for depositing/securing the amount which is the subject matter of “financial disincentive orders”.

14. These petitions are disposed of in the above terms.

SACHIN DATTA, J

MAY 23, 2025/uk