



\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 1076/2024 and CM Nos.63277/2024, 63279/2024, 63280/2024, 64528/2024**

M/S PLINTRON INDIA PVT. LTD.Appellant
Through: Mr Vikram Singh, Mr Sandeep, Ms
Bhawana, Ms Nidhi, Mr R.K. Mehta,
Advocates.

versus

BHARAT SANCHAR NIGAM LIMITED
& ORS.Respondents
Through: Ms Madhavi Divan, Senior Advocate
with Mr Tejveer Singh Bhatia, Ms
Vishakha Ahuja and Mr Sameeer
Choudhari, Advocates for R-1/BSNL.
Mr Arjun Natarajan, Mr Adhish
Rajvanshi, Ms Kamana Pradhan and
Ms Neha Chopra, Advocates for R-2.
Mr Amit Tiwari, CGSC for UOI with
Mr Arnav Mittal, Mr Ayush Tanwar
and Ms Ayushi Srivastava,
Advocates.
Mr Sudhir Makkar, Senior Advocate
with Mr Ketan Gaur, Mr Aayush
Mitruka, Mr Abhinav Srivastav, Ms
Nidhisha Garg, Ms Saumya Gupta
and Mr Vipulaaksh Monndra,
Advocates for Intervenor.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
16.01.2025

%

1. The appellant has filed the present appeal impugning the judgment dated 03.09.2024 passed by the learned Single Judge whereby the learned



Single Judge had set aside the order passed by the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) restraining respondent no.1 (BSNL) from disconnecting the connectivity of the appellant.

2. It was noted that the said orders were, in effect, in continuation of *ad interim* order dated 01.12.2022 granted in W.P.(C) 16448/2022. In terms of the said order, BSNL was directed not to disconnect the services of the appellant and the appellant was further relegated to avail of its remedies before the learned TDSAT.

3. The learned TDSAT had thereafter continued with the interim order. It is the BSNL's contention that the order was continued solely because this court had passed the *ad interim* order. The said *ad interim* order has been continued for almost two years and BSNL is, thus, aggrieved by the continuation of *ad interim* order. Clearly, *ad interim* orders cannot continue indefinitely and therefore, we find no infirmity with the learned Single Judge entertaining the writ petition filed by BSNL.

4. The appellant has assailed the impugned judgment principally on the ground that the same was rendered without examining the relevant clauses of the agreement being the empanelment agreement dated 23.10.2017 and the commercial agreement dated 13.07.2018. It is stated that the learned Single Judge had allowed the petition on the very first day without affording any opportunity to the appellant to file a reply to the petition and to place on record several documents, which according to the appellant, were germane to the issue.

5. The learned counsel for the appellant also submits that it would be relevant for the learned Single Judge to have heard the Telecom Regulatory



Authority of India (TRAI) and also examine the scheme under which licenses were issued.

6. The impugned judgment does not indicate that the appellant had raised any of the issues which are now sought to be advanced in this appeal. However, if the appellant was of the view that there were other issues that were required to be considered by the learned Single Judge; it was not precluded in any manner from filing an appropriate application before the learned Single Judge or for requesting time for filing a counter affidavit.

7. Ms Divan, the learned senior counsel appearing for BSNL submits that the learned Single Judge had disposed of the writ petition on the first day as the appellant had insisted on proceeding with the matter. We do not consider it necessary to enter this controversy.

8. The learned counsel for the appellant seeks to withdraw the present appeal with liberty to file a review petition or an appropriate application for seeking recall/modification of the order before the learned Single Judge setting out all the material and grounds on which the appellant contends that the interim order ought not to be vacated.

9. In view of the above, the present appeal is dismissed as withdrawn.

10. In the event the appellant files a review petition or any application within a period of one week from date, the same would be considered uninfluenced by the question of delay.

11. All rights and contentions of the parties are reserved.

12. An application for intervention has been filed on behalf of Vodafone Idea Technology Solutions Limited. We do not consider it apposite to pass



any order in the said application as the appellant has withdrawn the present appeal. However, we clarify that all rights of the applicant are reserved and disposal of the present appeal would not preclude the applicant from availing such remedies as otherwise available in accordance with law.

13. All pending applications are also disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 16, 2025
RK

Click here to check corrigendum, if any