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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 397/2026, CAV 12-14/2026 and CM APPL. 1881/2026**

SRI PATHA PETTALU MOHAN & ORS.Petitioners

Through: Mrs. T. S Shanthi Advocate, Ms
Sneha Irine Kachhap Advocate, Mr. P
Srinivasan Advocates.

versus

DISCOVERY COMMUNICATIONS INDIARespondent

Through: Mr. Abhinav Mukerji, Senior
Advocate, With Ms. Payal Kakra, Ms.
Khushboo Hora, Mr. Ehraz Zafar, Mr.
Pranav, Ms. Archita Nigam & Mr.
Veerashwar Singh Jadaun, Advocates.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
13.01.2026

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CM APPL. 1882/2026 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 397/2026

1. The petitioners seem to have approached the High Court of Karnataka earlier against the impugned order dated 01.09.2022. The High Court of Karnataka *vide* order dated 17.10.2025 has disposed of the petition on the ground of territorial jurisdiction and has observed as under:-

“23. Though it is possible, as noticed in Kusum Ingots, in certain instances notices issued to persons may constitute a cause of action. However, in the instant cases, the TDSAT is proceeding with the*



execution of its order under the provisions of the CPC as provided in the TRAI Act. An executing court can proceed under the provisions of Order 21 Rules 37 to 40 of the CPC and direct arrest and 'detention in civil prison of a judgment debtor. Powers under Order 21 Rule 41(3) of the CPC ordering detention in civil prison of a person can be ordered where there is disobedience of sub-Rule (2) of Rule 41 of Order 21 CPC is evinced. Rules 41 to 59 of Order 21 CPC relate to the powers of the executing Court for attachment of properties. Order 21 Rule 58 provides for adjudication of claims, to, or objections to attachment of properties before the executing Court. The adjudication therein can extend to determination of the right, title and interest in the property attached. Therefore, a wide spectrum of powers is available to the executing Court under the provisions of CPC, which are being exercised by the TDSAT at New Delhi.

24. In the facts and circumstances of the present cases, the notices issued to the petitioners would not be an integral part of the cause of action which can legitimately enable them. to approach this High Court rather than the jurisdictional High Court of Delhi. As noticed above, the Company and its Director had appeared before the TDSAT at New Delhi and contested the BP No.499 of 2015 and led evidence. Moreover, the notice is for personal appearance. That by itself does not imply coercive process is being adopted. If due procedures are not followed by the executing court, remedy is always available to the judgment debtor under the provisions of the CPC or by a petition before the jurisdictional High Court. Therefore, the writ petition would lie within the territorial jurisdiction of the High Court of Delhi."

2. The petitioners, therefore, have filed the instant writ petition in view of the liberty granted by the said Court.
3. When the matter is called out, Mr. Abhinav Mukerji, learned senior counsel appearing on behalf of the respondents, points out the order dated 15.12.2025 passed by the Telecom Disputes Settlement & Appellate Tribunal, New Delhi (Tribunal) and he submits that the Tribunal has called upon the petitioners herein to explain the situation as to why the decree is not being obeyed. He further submits that the petitioners have been granted liberty either to appear personally or through counsel to file their version. According to him, the submissions and grounds urged in the instant petition



are capable of being adjudicated by the Tribunal and if it is satisfied that the petitioners cannot be directed to comply with the earlier directions, the Tribunal shall pass appropriate orders. He, however, submits that, at this point of time, without availing the said remedy, the petitioners have no cause of action to file the instant petition.

4. The aforesaid submission made by Mr. Mukerji seems to be reasonable.

5. However, learned counsel for the petitioners submits that till the time Tribunal adjudicates the grievance put forth by them, they be protected. As of now, there does not seem to be any adverse order against the petitioners.

6. In any case, if the proposed adjudication by the Tribunal is against the petitioners, the petitioners shall be at liberty to take recourse to appropriate remedy available under law. The order of the Tribunal, however, shall not be given effect to for a period of fifteen (15) days, if the same is against the petitioners.

7. With the aforesaid observations, the instant petition stands disposed of.

8. All rights and contentions of the parties are left open.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 13, 2026

Nc/amg