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

+ W.P.(C) 3413/2017 and CM APPL. 14921/2017, CM APPL. 17741/2017, CM APPL. 26324/2017

AT&T GLOBAL SERVICES INDIA
PVT LTD AND ANR

.....Petitioners

Through: Mr. Dayan Krishnan, Sr. Adv with
Mr. Rishi Agrawala, Mr. Karan
Luthra and Ms. Shruti Arora, Advs.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Chetan Sharma ASG With Nidhi
Raman CGSC With Akash Mishra
Arnav mittal, Amit Gupta, Subham
Sharma, Naman, Yashwardan and Mr.
Vineet, Advs.

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+ W.P.(C) 4134/2017 and CM APPL. 18077/2017, CM APPL. 53494/2019, CM APPL. 68681/2025

EQUANT NETWORK SERVICES INTERNATIONAL LTD AND
ANR

.....Petitioner

Through: Ms. Dharitry Phookan, Mr. Ronmi
Risom, Advocates along with Mr.
Manoj Singh, Authorised
Representative.

versus

UNION OF INDIA AND ANR

.....Respondents

Through: Mr. Chetan Sharma ASG With Nidhi
Raman CGSC With Akash Mishra



Arnav mittal, Amit Gupta, Subham Sharma, Naman, Yashwardan and Mr. Vineet, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

02.02.2026

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1. These two petitions assail show cause notices and consequential demand notices issued by the Union of India, whereby, the petitioners were directed to pay penalties for providing certain services without obtaining a license under Section 4 of Indian Telegraph Act, 1885 (Telegraph Act).
2. The petitioners' case is that they were engaged by telecom service providers for providing ancillary services to the latter. As per the petitioners, these activities were independent of the services, provided by the telecom service providers to their customers, under the Telegraph Act. The ancillary services provided by the petitioners, according to them, were non-regulated activities and did not require any license under the Telegraph Act.
3. The Union of India *vide* the impugned notices, has alleged that the petitioners provided 'end-to-end managed data services' which were regulated under the Telegraph Act and required a license, thereunder.
4. The impugned actions in both the petitions are assailed on common grounds. As per the petitioners, firstly, the impugned notices have been issued against unrelated entities. In both the petitions, it is alleged that the show cause notice was issued against petitioner no. 1, whereas, the demand notice was issued against petitioner no. 2, and the latter was not afforded any opportunity of hearing.



5. It is also submitted that there has been undue delay in the proceedings initiated against the petitioners. In both the petitions, the show cause notices are dated 23.08.2005, whereas, the demand notices have been issued only on 05.04.2017, almost after twelve years. Such delay, as per the petitioners, is in violation of the principles of natural justice. Various decisions have been cited by the petitioners to support their submissions.

6. The impugned action of the respondent has been stayed by this Court *vide* order dated 21.04.2017 in W. P. (C) 3413/2017 and order dated 17.05.2017 in W. P. (C) 4134/2017.

7. At the outset, it is seen that the impugned action which was initiated in the year 2005 could not be taken to its logical conclusion. The impugned action is sought to be justified by Mr. Chetan Sharma, learned ASG by taking the Court through the written note filed on behalf of the Union. It is stated that the delay in taking the final decision is not solely attributable to the respondent, and there are justifiable reasons for the same.

8. The aspects as to whom the delay is attributable, whether it has caused any prejudice to the petitioners, the justification, if any, for imposition of penalties, etc., are some fundamental issues which the respondent-authority must consider at the first instance. This is a minimum requirement of fair procedure. No doubt, if the prolonged delay in taking the decision is justifiable, the same can always be considered by the Court. However, there has to be some reasonable nexus between the delay and the reason which is assigned, especially when the delay is inordinate.

9. Under these circumstances, instead of keeping these writ petitions pending and adjudicating the issue on merit, it would be appropriate if the impugned action is kept in abeyance till a fresh final decision is taken by the



Union after affording an opportunity of hearing to all the petitioners. The same would also mean that the Union of India, if it so desires, may issue fresh show cause notices after examining the entire facts and circumstances. Thereafter, the Union shall take the final decision in accordance with law. The keeping in abeyance of the decision shall not be construed to be an expression on the merits or otherwise of the case. The same is being done only account of procedural reasons.

10. This recourse is also necessary, at the very least, to address the underlying grievance of the petitioners, against whom the impugned action has been taken, namely that there was a substantial delay in taking the decision from the date of issuance of the show-cause notice.

11. Accordingly, the respondent authority is directed to grant at least six weeks' time to the petitioners to submit their response pursuant to the earlier demand notices or to the fresh ones if the respondent decides to issue them. Thereafter, after considering the issues to be raised by the petitioners, let fresh orders be passed.

12. Since there are interim orders passed in both the writ petitions, till the respondents undertake the fresh exercise, the interim order dated 21.04.2017 in W. P. (C) 3413/2017 and 17.05.2017 in W. P. (C) 4134/2017, shall remain in force.

13. The petitions, along with pending applications, stand disposed of.

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

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 2, 2026/aks/amg