

ITEM NO.301

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 266/2020 in C. A. No. 6328-6399/2015

UNION OF INDIA THROUGH SECRETARY

Petitioner(s)

VERSUS

ASSOCIATION OF UNIFIED TELECOM  
SERVICE PROVIDERS OF INDIA

Respondent(s)

(FOR FOR APPLICATION FOR PERMISSION ON IA 13649/2020 FOR impleading party ON IA 13656/2020 FOR INTERVENTION/IMPLEADMENT ON IA 13656/2020 FOR CLARIFICATION/DIRECTION ON IA 13666/2020  
IA No. 13649/2020 - APPLICATION FOR PERMISSION  
IA No. 13666/2020 - CLARIFICATION/DIRECTION  
IA No. 13656/2020 - INTERVENTION/IMPLEADMENT)

WITH

Diary No(s). 303/2020 (XVII)  
(FOR MODIFICATION ON IA 1047/2020  
FOR CONDONATION OF DELAY IN FILING ON IA 1054/2020  
IA No. 1054/2020 - CONDONATION OF DELAY IN FILING  
IA No. 1047/2020 - MODIFICATION)

Diary No(s). 2450/2020 (XVII)  
(FOR MODIFICATION ON IA 11628/2020  
IA No. 11628/2020 - MODIFICATION)

Diary No(s). 2458/2020 (XVII)  
(FOR MODIFICATION ON IA 11657/2020  
IA No. 11657/2020 - MODIFICATION)

Diary No(s). 2461/2020 (XVII)  
(FOR MODIFICATION ON IA 11674/2020  
IA No. 11674/2020 - MODIFICATION)

Diary No(s). 2476/2020 (XVII)  
(FOR MODIFICATION ON IA 11730/2020  
IA No. 11730/2020 - MODIFICATION)

Diary No(s). 2578/2020 (XVII)  
(FOR MODIFICATION ON IA 12036/2020  
IA No. 12036/2020 - MODIFICATION)

MA 411-482/2020 in C.A. No. 6328-6399/2015 (XVII)  
(FOR APPLICATION FOR PERMISSION ON IA 14007/2020  
FOR impleading party ON IA 14023/2020

FOR INTERVENTION/IMPLEADMENT ON IA 14023/2020  
 FOR CLARIFICATION/DIRECTION ON IA 14025/2020  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 16159/2020

IA No. 14007/2020 - APPLICATION FOR PERMISSION  
 IA No. 14025/2020 - CLARIFICATION/DIRECTION  
 IA No. 14023/2020 - INTERVENTION/IMPLEADMENT  
 IA No. 16159/2020 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES)

MA 267-338/2020 in C.A. No. 6328-6399/2015 (XVII)  
 IA No. 14370/2020 - APPLICATION FOR PERMISSION  
 IA No. 14375/2020 - CLARIFICATION/DIRECTION)

MA 339-410/2020 in C.A. No. 6328-6399/2015 (XVII)  
 (FOR APPLICATION FOR PERMISSION ON IA 14389/2020  
 FOR CLARIFICATION/DIRECTION ON IA 14391/2020  
 IA No. 14389/2020 - APPLICATION FOR PERMISSION  
 IA No. 14391/2020 - CLARIFICATION/DIRECTION)

W.P.(C) No. 238/2020 (PIL-W)  
 (FOR ADMISSION and IA No.17942/2020-EX-PARTE STAY[TAG WITH DY. NO.  
 2578/2020 IN CA NOS. 8646-48 OF 2018.]

Date : 14-02-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
 HON'BLE MR. JUSTICE S. ABDUL NAZEER  
 HON'BLE MR. JUSTICE M.R. SHAH

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**For Respondent(s)**

**UPON hearing the counsel the Court made the following  
O R D E R**

**MA No. 266/2020 in C. A. No. 6328-6399 of 2015 [ITEM NO. 301]**

**M.A.D.NO. 303 OF 2020 [ITEM NO. 301.1]**

**MA NO. 339-410/2020 IN C. A. NO. 6328-6399 OF 2015 [ITEM NO.301.9]**

**MA.NO. 267-338/2020 IN C. A. NO. 6328-6399 OF 2015 [ITEM NO. 301.8]**

The learned senior counsel appearing for the applicants seek leave to withdraw these misc. applications with liberty to avail appropriate remedy before appropriate forum in accordance with law, in case necessity arises.

With the above liberty, the misc. applications are disposed of as withdrawn.

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This case projects a very disturbing scenario. The companies have violated the order passed by this Court in pith and substance. In spite of the dismissal of the Review application, they have not deposited any amount so far. It appears the way in which things are happening that they have scant respect to the directions issued by this court. A Desk Officer of the Department of Telecommunications has the temerity to pass the order to the effect of issuing a direction to the Accountant General, another Constitutional Authority, *"not to insist for any payment pursuant to the order passed by this Court and not to take any coercive steps till further orders."* This is nothing but a device to scuttle order of this Court. This kind of order should not have been passed by the Desk Officer at all.

In the circumstances, we draw contempt proceedings against the Desk Officer for passing the order and violating the order passed by this Court. The Managing Directors/Directors of the companies also to show cause why we should not initiate contempt proceedings against them for violating the order passed by this Court by not depositing the amount, on the next date of hearing. Let the concerned Officer, sitting over the order passed by this Court, also file reply.

It is made clear that in case the order passed by this Court is not complied with, the above persons shall remain personally

present in Court on the next date of hearing.

List on 17.03.2020.

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
BRANCH OFFICER

