
(2023) 10 TDSAT CK 0020

In the Telecom Disputes Settlement And Appellate Tribunal

Case No : Telecom Petition No.471 Of 2017

Astro Network India Pvt Ltd

APPELLANT

Vs

Dot

RESPONDENT

Date of Decision : 09-10-2023

Acts Referred:

Citation : (2023) 10 TDSAT CK 0020

Hon'ble Judges : Dhirubhai Naranbhai Patel, Chairperson; Subodh Kumar Gupta, Member

Bench : Division Bench

Advocate : Angad Singh Duggal, Abhay Prakash Sahay, Sudhanshu Prakash

Judgement

1. This petition has been preferred for restraining the respondent from encashing the Bank Guarantees given by the petitioner. One Bank Guarantee is for Rs.1 Crore and another Bank Guarantee worth Rs.20 lakhs have been given by the petitioner to the respondent.
2. The respondent has issued notice dated 28.5.2015 as well as 7.12.2015 for payment of the dues as well as for encashment of the Bank Guarantees given by the petitioner and, therefore, Telecom Petition has been preferred mainly on the ground that there are no demands legally payable by the petitioner to the respondent.
3. Counsel for the respondent today submitted that the respondent has already issued a communication dated 5.10.2023 from AO (Revenue) to AO (Legal), Principal Communication Controller of Accounts (PrCCA), Department of Telecommunications, Sanchar Lekha Bhawan Delhi, to the effect that there are no dues payable by the petitioner to the respondent and no certificate is to be issued and the Bank Guarantee has to be returned or to be released.
4. Photocopy of this communication dated 5.10.2023 which is tendered by the Government for the respondent is taken on record, photocopy whereof shall be supplied to the counsel for the petitioner.

5. On the basis of aforesaid communication, we hereby direct Secretary, Department of Telecommunications (DOT), New Delhi to state on oath whether they are releasing the Bank Guarantees of the petitioner.

6. At this stage, counsel for the respondent gives assurance to this Tribunal that both the aforesaid Bank Guarantee shall be returned to the petitioner within a period of one month from today. We expect that this assurance has been given by the counsel on behalf of the respondent upon instructions from the Secretary, DOT.

7. Counsel for the respondent is seeking four weeks' time. This Tribunal is giving eight weeks' time to release bank guarantees to the respondent.

8. Registry is hereby directed to send the copy of the order as well as communication dated 5.10.2023 as stated hereinabove to the Secretary of Department of Telecommunications, New Delhi by fax/registered post A/D.

9. This matter is adjourned to 11.1.2024.