

(2022) 03 TDSAT CK 0040

In the Telecom Disputes Settlement And Appellate Tribunal

Case No : Telecom Petition No.138 Of 2015 With Misc. Application No. 95 Of 2015

Hcl Comnet Systems & Services Ltd

APPELLANT

Vs

Union Of India Union Of India

RESPONDENT

Date of Decision : 11-03-2022

Acts Referred:

Citation : (2022) 03 TDSAT CK 0040

Hon'ble Judges : Shiva Kirti Singh, Chairperson; Subodh Kumar Gupta, Member

Bench : Division Bench

Advocate : Shally Bhasin, Prateek Gupta, Anwesha Padhi, Basava Prabhu Patil, Ankit Anandraj Shah

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioners and learned counsel for the respondent, Mr. Dhruv Tamta. It appears that counsels for both the parties are ad-idem that matters are covered by a recent judgment dated 28.2.2022 passed by this Tribunal in RA No. 7 of 2020 arising from TP No. 56 of 2020 (Netmagic Solution Pvt. Ltd. Vs Union of India) and other connected matters.

In view of the above factual and legal position, the petitions are allowed and disposed of to the extent relief has been granted in the case of Netmagic Solution Pvt. Ltd. As a result, the impugned demand of license fees etc. raised upon the petitioner by the DoT by including revenue from non license activities in AGR on the basis of judgment dated 19.11.2020, are set aside.

The Respondent will have the liberty to raise revised demand by treating the petitioners at par with the other PSUs having license to provide internet services.

The Petitions are allowed to the aforesaid extent but there shall be no order as to costs.