
(2024) 02 TDSAT CK 0058

In the Telecom Disputes Settlement And Appellate Tribunal

Case No : E A 1 Of 2020 In Broadcasting Petition No. 368 Of 2017

Union Of India

APPELLANT

Vs

Kamyab Television Pvt Ltd

RESPONDENT

Date of Decision : 29-02-2024

Acts Referred:

Code of Civil Procedure Act, 1908 — Order 21 Rule 37 , Order 21 Rule 41

Citation : (2024) 02 TDSAT CK 0058

Hon'ble Judges : Ram Krishna Gautam, Member

Bench : Single Bench

Advocate : Ankur Singh, Abhijeet Singh, Chinmoy Roy, S. K Thakur

Judgement

1. Case taken up. Learned Counsel for decree holder, as well as judgment debtor are present.

2. Judgment Debtor's Counsel Shri S K Thakur, had given his promise, written in order dated 02.02.2024, but this promise has not been obeyed. J D Manoj Das, who was directed to be present, since so many dates, including the order of Court of Hon'ble Chairperson, is not making compliance of the directions of this Tribunal. This execution proceeding, for executing a decree of a Petition of year 2017, is pending since 2020, but JD is not making compliance nor making direction of decree. Nothing remains, except of take a coercive measure, given under Civil Procedure Code, with regard to execution of decree of a Civil Court.

3. So far as Shri S K Thakur is concerned, he didn't stand upon his promise. Hence, all praise words written, in previous order regarding him, is being taken back, because there is age old proverb that "Gentlemen keeps their words, and in case of non keeping of words, none may be deemed to be Gentlemen". Though, none is to be condemned, without being heard. Hence, on this point, nothing more is needed, because Mr Thakur has been heard and he himself showed his inability, in case of non compliance, and adherence by JD, Mr Manoj Das. Hence, under his agony, when his client is not cooperating with Counsel, the

other comments against Mr Thakur is not needed, but a hope is there that such client is not to be defended anymore. But it depends upon Mr. S K Thakur, Counsel to decide himself over it.

4. Learned Counsel for Union of India, was expected to make the specific application, with a specific course for execution, either by way of auction of property attached or by way of Civil imprisonment, given under Order 21 Rule 37 read with Rule 41 CPC. But this has not been complied with. An Officer of department, i.e., Sr. Legal Manager, Antrix Corporation, Mr Chinmoy Roy, is present. He is requesting a short date for moving appropriate application specifying the course to be taken in execution of this decree. Let steps be taken within two weeks.

5. List the matter on 17.05.2024 "for further hearing".